

GRAND COUNTY
Planning Commission
Monday, June 28, 2021
4:00 P.M. Regular Meeting

****PLEASE NOTE: THIS MEETING WILL BE HELD REMOTELY****

Join via Zoom with Meeting ID: 864 2298 5255 Password: 641394

<https://us02web.zoom.us/j/82828636463?pwd=b1dRdTRIN0lTVVpra0ZiWEwzZ3lDZz09>

Call-in: 669-900-6833

Meeting ID: 828 2863 6463

Passcode: 783725

Send written comment to planning@grandcountyyutah.net or call 435-259-1368.

Type of Meeting:	Regular Meeting
Facilitator:	Chair - Emily Campbell
Attendees:	Planning Commissioners, interested citizens, and staff

4:00 PM

	Regular Meeting	<i>Chair</i>
	Citizens to be Heard – public comment opportunity for any item not listed as a public hearing	<i>Chair</i>
	Ex Parte Communications and Disclosures	<i>Chair</i>
Action Item	Approval of Meeting Minutes from June 14, 2021	<i>Chair</i>
PUBLIC HEARING		<i>Chair</i>
Discussion Items		<i>Vice Chair</i>
	County Commission Update – Trish Hedin	<i>County Commission Liaison</i>
	County Commission Action Items Report	<i>County Commission Liaison</i>
	Administration Staff Reports and Updates – attached	
	1. Public Hearing LUC amendments	<i>Staff</i>
	2. Workshop preparation – July 12, 2021	
	Recent Building Permit Review – update in July	<i>Staff</i>
	Future Considerations and Projects (Development Review Team – no new projects at this time)	<i>Staff</i>

ADJOURN

DEFINITIONS:

Public hearing = a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public meeting = a meeting required to be open to the public pursuant to the requirements of Title 52, Chapter 4, Open and Public Meetings; the public may or may not be invited to participate.

Legislative act = action taken by the County Council or Planning Commission; amending ordinances, adopting general plan, Annexations, zoning and rezoning; a reasonable debatable action that could promote the general welfare of the community.

REGULAR PLANNING COMMISSION MEETING MINUTES
Monday, June 14, 2021 at 4:00 pm

The Grand County Planning Commission held its regular meeting on the above date, with all attendees participating remotely via Zoom.

YouTube recording of meeting can be viewed at https://youtu.be/D_aqSMIn2w
Recordings archived at www.grandcountyutah.net/AgendaCenter

In attendance: Planning Commissioners Emily Campbell, Robert O'Brien, Steve Evers, Makeda Barkley, Josie Kovash (joined at 4:06 pm), Rick York (joined at 4:08 pm), and Gerrish Willis (joined at 5:03 pm). County Commission Liaison Trisha Hedin. Planning & Zoning Director, John Guenther.

Commissioner Campbell officially calls the meeting to order at 4:03 pm.

Citizens to be heard:

None.

Ex Parte Communications and Conflict of Interest Disclosures:

None.

Approval of Meeting Minutes from May 24, 2021, Regular Meeting Minutes - Approved (1 min)

Discussion:

None.

Motion and Vote: Commissioner O'Brien moved to approve the minutes from the May 24, 2021 Planning Commission meeting. Commissioner Evers seconds. Motion passed 4-0 with all Commissioners voting aye.

Administration Staff Reports and Updates (26 min)

- Introduction of new Planning & Zoning Director, John Guenther.
- John discussed his goals and strategies for the General Plan update as well as a proposed timeline.
- Regarding the Spanish Valley survey, John suggested tying it into the General Plan outreach as a sector component. The Commission supported the strategy with the ask that it not be delayed more than three months.
- There will be a workshop in July to discuss strategies and needs in-depth with an idea of what projects are in the pipeline. Staff will work on a rough report to the Commission on the status of projects and backlog.

County Commission Update - Trisha Hedin (14 min)

- Commissioner Hedin reported on a recent Utah Association of Counties visit. Seemingly, UAC staff were able to get a sense of the complexities that Grand County is facing.
- The Thompson Springs cleanup efforts are underway and have been successful thus far.
- The Thompson Springs Special Service Water District has been modified by the County Commission. Applicants are being accepted for board members who the County Commission will appoint. A water survey is in the works.
- The Utah Division of Water Rights engineers came to Grand County for a meeting. The next step will be a needs analysis and they have a follow-up meeting in the works.
- The HDHO appeals (two of three) have been announced and both uphold the Rules and Regulations.
- Update on the Pack Creek Fire.

Recent Building Permit Review (3 min)

- John provided a brief update on recent building permits.
- Going forward, John plans to make these standing reports with more details.

Administration Staff Reports and Updates Cont. (41 min)

Old Business

- John shared the Regional Transportation Plan proposal along with goals and relevancy to the General Plan efforts.
- Rezone project statuses in Thompson Springs.
- OAO Workshop discussion.

New Business

- General Plan Update- Steering Committee. John provided an overview of the General Plan outline, which includes a Steering Committee.
- There are two phases to the plan. See packet materials for details.
- Steering Committee appointment. Commissioners interested will email Chair Campbell.
- Current project list overview provided. See packet for details.

Future Considerations:

- None.

Adjournment: (1 min) Commissioner Willis moved to adjourn the meeting. Commissioner O'Brien seconded. Motion passed 7-0 with all Commissioners voting aye. Meeting adjourned at 5:49 pm.



STAFF REPORT

Planning and Zoning Department
GRAND COUNTY, UTAH

DATE: Tuesday, June 08, 2021

TO: Grand County Planning Commission

SUBJECT: Land Use Code Proposed Changes, and Public Hearing June 28, 2021

RESPECTFULLY SUBMITTED: John J. Guenther, Planning and Zoning Director

REPORT TYPE

Amendments to the Land Use Code Articles 9 and 10

STAFF RECOMMENDATION:

That the attached Land Use Code (LUC) Amendments be considered and adopted as follows:

1. That Preliminary and Final Plat reviews and approvals be conducted Administratively;
2. That the reference to Minor Record Survey (MRS) be removed and conflated with Plat reviews;
3. That Conditional Use Permits continue to be forwarded to the Planning and County Commissions for review in a public meeting;
4. Updated noticing provisions from paper to digital; and
5. Clarifying that the hearing appeal is administrative and does not involve a public hearing.

SUMMARY OF REQUEST

1. Preliminary and Final Plat reviews and approvals through administrative action – removing MRS:
 - a. Background:
 - i. The Utah State Code identifies the need for legislative decisions to be heard by the Planning Commission and County Commission – e.g. changes to the General Plan or any Rezoning including Planned Unit Developments (PUD); High Density Housing; and Overnight Accommodation changes;
 - ii. Legislative decisions consider matters of policy that align with the General Plan elements such as Land Use and Density; and
 - iii. Administrative decisions are technical in nature and evaluate impacts based on the development regulation criteria - narrowly defined design standards that include roads, noise mitigation, soil conditions, drainage, water and liquid waste servicing, and landscaping.
 - b. Proposal and Rationale:
 - i. The Land Use Code (LUC) rewrite considers a complete format and content change to align with the updated General Plan;
 - ii. A checklist is being developed to move this project forward;
 - iii. The update to administrative and legislative processes clarifies the roles and responsibilities and increases efficiency for our clients; and
 - iv. A regular reporting regime will inform the Planning and County Commissions of work activity for all plats, subdivisions, conditional use permits and other land use actions.

2. Conditional Use Permit Public Meetings
 - a. Background:
 - i. Conditional use permits by code are administrative actions governed by narrowly defined criteria that closely align with the underlying zone and permitted uses.
 - b. Proposal and Rationale:
 - i. As a CUP is administrative, the quasi-judicial process in a public hearing is not triggered due to the narrow objective based prescriptions; and
 - ii. But the Commissions should weigh the criteria in an open public meeting.
3. Land use appeals to the Hearing Examiner:
 - a. Background and Rationale:
 - i. Appeals of administrative decisions are heard by the Hearing Examiner. The considerations are matters of code interpretation, reasonable application, variances that usually require a unique hardship test that will not upset the intention or framework of the Land Use Code;
 - ii. As no formal public testimony and quasi-judicial process is implicated a public hearing is superfluous; and
 - iii. The hearing examiner weighs the arguments and determines findings from both the appellant and defendant.
4. Public noticing procedures:
 - a. Background:
 - i. The Utah State Land Use code effective July 1, 2021 allows digital notification on the State and County websites without print media noticing. Mailings are still required to affected parties for public hearings.
 - b. Proposal and Rationale:
 - i. The use of web notifications and digital messaging is more common place than print media;
 - ii. The lead time for print media notices can mean delays in land use processing; and
 - iii. Accuracy of the published notice is more difficult to control than digital notification.

GRAND COUNTY, UTAH
ORDINANCE NO. _____ (2021)

**AN ORDINANCE AMENDING THE GRAND COUNTY LAND USE CODE BY
REPEALING AND REPLACING ARTICLE 9 (ADMINISTRATION AND
PROCEDURES) AND AMENDING SECTION 10.2 (DEFINITIONS)**

WHEREAS, Utah Code § 17-27a-102 enables a county to enact all ordinances, resolutions, and rules and various forms of land use controls and development agreements that the county considers necessary or appropriate for the use and development of land within the unincorporated area of the county;

WHEREAS, the previously named Grand County Council adopted the Grand County Land Use Code (“LUC”) on January 4, 1999 with Ordinance No. 299, as amended, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

WHEREAS, from time to time the County adopts ordinances to modify its LUC and zoning map to improve the quality and order of land development and align the LUC with changing community conditions, public review noticing procedures, state law, contemporary planning concepts and streamlining land use reviews and permits;

WHEREAS, the County desires to repeal and replace LUC Article 9 in its entirety to streamline the technical administrative review procedures and improve permit processing and to amend LUC Section 10.2 to remove the definition of Minor Record Survey;

WHEREAS, on _____, after a public hearing, the Planning Commission forwarded a favorable recommendation to repeal and replace LUC Article 9 and amend LUC Section 10.2;

WHEREAS, on _____, the Grand County Commission (“Commission”) held a public hearing to solicit public comment regarding these proposed amendments; and

WHEREAS, the Commission has determined it is the best interests of the public to streamline the technical administrative review procedures and improve permit processing by updating the LUC;

NOW, THEREFORE, BE IT ORDAINED that the Grand County Commission does hereby repeal and replace Article 9 in its entirety and amend Section 10.2 of the Grand County Land Use Code as follows:

See Exhibit A

APPROVED by Grand County Commission in a regular public meeting on _____ by the following vote:

Those voting aye: _____

Those voting nay: _____

Those absent: _____

Grand County Commission:

ATTEST:

Mary McGann, Chair

Quinn Hall, Clerk/Auditor

Exhibit A

Common Procedure

9.1.1 Conformity with Land Use Code

Every official and employee of Grand County vested with the duty or authority to issue a permit or certificate shall not issue a permit or certificate for any use, building, or purpose that conflicts with any provision of this LUC. Any permit, approval, or certificate issued in conflict with the provisions of this LUC shall be null and void.

9.1.2 Preapplication Conference

Prior to the submission of an application required by this LUC, a preapplication conference with the Zoning Administrator may be required as follows.

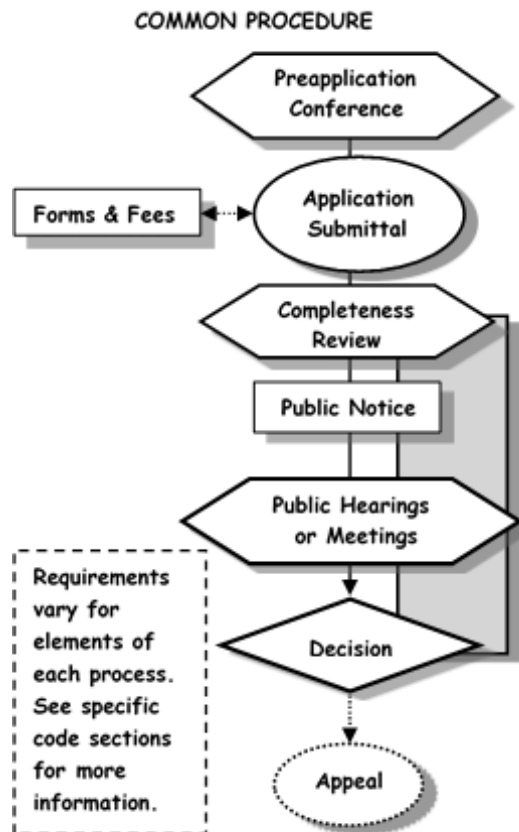
A Preapplication Mandatory Conference

A mandatory preapplication conference with the Zoning Administrator to discuss procedures, standards, or regulations shall be required for:

- ~~1.~~ ~~Subdivision Sketch Plan;~~
- ~~2.~~ Preliminary Plat;
- ~~3.~~ ~~Minor Subdivision Plat;~~
- ~~4.~~ ~~Final Plat;~~
- ~~4.5.~~ Recreational Subdivision;
and
- 5. Conditional Use Permits.

B Optional Conference

A preapplication conference is recommended for all other applications. Applicants are encouraged to attend an optional preapplication conference with the Zoning Administrator prior to submitting any application. (The preapplication conference provisions of this section do not apply where the application or action is initiated by the County Commission or Planning Commission.)



9.1.3 Minimum Submission Requirements

The following regulations shall apply to all applications.

A. Property Owner Endorsement

All applications shall include the name and signature of ~~all~~the current property owners of all property within the boundaries.

B. Preliminary Title Report

All applications required under this LUC shall include a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property. The title report must be dated within three months of application submission; shall be updated by applicant in the event of any change in ownership or encumbrances; and shall be updated by applicant within 15 days immediately prior to final review by the Zoning Administrator under Section 9.5.1.S.-

C. Forms and Content

Applications required under this LUC shall be submitted on forms maintained by the Planning and Zoning Department, with any requested information and attachments and in such numbers as required by the Zoning Administrator. The Zoning Administrator shall have the authority to request any pertinent information required to ensure compliance with this LUC. Likewise, the Zoning Administrator may waive any submittal requirements deemed irrelevant in a given application.

D. Electronic Submission

Plats shall be prepared and submitted in digital format acceptable to the Zoning Administrator and compatible with the County's geographic information system. Plats shall be submitted in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator (currently preferred in State Plane Coordinates – Utah Central Zone or the Valley Coordinate System) with all measurements stated in feet.

E. Fees

1. Filing fees shall be established periodically by ~~ordinance~~resolution of the County Commission commensurate with the level of service. Such fees may include all costs occasioned to the County, including publication of notices, public hearing, and review costs, planning and engineering, legal, and other professional review and inspection costs.
2. All required fees shall be made payable to “Grand County.”
3. All required fees shall be nonrefundable.

F. Vicinity Map

A vicinity map [which may be a USGS one inch equals 2,000 feet scale] shall locate the property relative to surrounding areas.

G. Statement of Authority

Where the applicant is an entity, a statement of authority or other corporate document(s) evidencing signatory authority to act for and bind the entity must accompany the application.

9.1.4 Application

~~Call complete~~ applications shall be ~~completed and~~ submitted to the Zoning Administrator at least 30 days prior to any desired agenda date. An application shall not be considered as officially submitted until it has been found to be complete in accordance with Section 9.1.6.

9.1.5 Summary of Land Use Authority

Land use authority for the respective land use review procedures is described below:

SUMMARY OF LAND USE AUTHORITY		
Application Type	Land Use Authority	Reference
Interpretations of Text and Zoning Map	Zoning Administrator	Section 9.2.8
Zoning Map (Rezoning) and Text Amendments	County Commission	Article 4 ; Section 9.2
Sketch Plan	Planning Commission Zoning Administrator	Section 9.3
Preliminary Plat	Planning Commission Zoning Administrator	Section 9.4
Final Plat	County Commission Zoning Administrator	Section 9.5
Minor Record Surveys	Zoning Administrator	Section 9.7
Recreational Subdivisions	County Commission Zoning Administrator	Section 9.7
Conditional Use Permits	County Commission	Section 9.10

9.1.6 Certification of Completeness

An application shall be considered submitted only after the Zoning Administrator certifies that it is complete, provided in the required form, includes all mandatory information and exhibits, and is accompanied by the applicable fee. A determination of application completeness shall be made by the official responsible for accepting the application within ~~a reasonable time after five working days of~~ application filing. If an application is determined to be incomplete, the Zoning Administrator shall contact the applicant to explain the application’s deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 15 days, the application shall be considered withdrawn.

9.1.7 Vested Development Rights

Complete applications shall be considered complete when the requirements in place at the time have been met and certified by the Zoning Administrator. However, such application shall be subject to pending amendments to the LUC that are initiated prior to such certification.

9.1.8 Required Public Notices

A. Summary of Notice Requirements

Notice shall be required for development review as shown in the table below.

Application Type	Published Online	Mailed	Posted
Appeals of Administrative Decisions	X		
Conditional Use Permits	X		
Plat Amendments	X	X	X
Text Amendments	X		
Zoning Map Amendments (Rezoning Rezoning and Overlays)	X	X	X
Variances	X	X	X

B. Notice Requirements

All required public notices shall be accomplished in accordance with the following requirements:

1. Publication ~~Online~~

- a. ~~The County shall cause notice of the public meeting or public hearing to be given by publication in a newspaper of general circulation (with distribution of the notice to all other local news media without any requirement for publication) in Grand County not less than 10 calendar days 24 hours prior to the public meeting or public hearing for~~

~~the purpose of notifying the public of the time and place of such meeting or hearing and shall be:~~

- ~~i. Published on the Utah Public Notice Website; and~~
- ~~ii. Posted in at least three public locations within the county; or published on the county's official website.~~

~~b. The County shall cause notice of the public hearing not less than 10 day prior to the public hearing and shall be:~~

- ~~i. Published on the Utah Public Notice Website; and~~
- ~~ii. Posted in at least three public locations within the county; or published on the county's official website.~~

~~a.—~~

2. Mailing

In addition to the above online publication requirements, the ~~applicant~~ County shall mail notice of each public ~~meeting or public~~ hearing not less than ~~13~~ 10 days prior to the hearing to the record owner of each parcel on file with the Grand County Assessor's Office within 1,000 feet in all directions of the property that is the subject of a land use application.

3. Posting

In addition to the above online publication and mailing requirements, and except as provided in Section 9.2.5.C, for Zoning Map or Text Amendments:

~~a.~~ The applicant shall post a sign, provided by the County, not less than 10 days prior to each ~~public meeting or~~ public hearing, which sign shall notice the public meeting or public hearing in a prominent and visible place within five feet of each property line with street frontage on the land area proposed for a rezoning (including application of overlays), subdivision (including amendments), or conditional use; and

~~b.—~~ ~~The County shall post notice on the official County and state public meeting notice websites.~~

4. Affidavit re: Notice

Prior to each ~~public meeting or~~ public hearing date, the applicant shall submit to the County a notarized affidavit regarding notice which shall include:

~~a.—~~ ~~The date of mailing of the notice with a list of the name(s) and address(es) of each record owner to whom the applicant mailed said notice with the parcel number and address of each property within 1,000 feet; and~~

~~ba.~~ The date of posting of the sign; an affirmation that said sign was posted in a prominent and visible place within five feet of each property line with street frontage on the land area proposed for a rezoning (including application of overlays), subdivision (including amendments), or conditional use; and photo(s) demonstrating the same.

C. Content of Notice

All published, posted, or mailed notices shall at a minimum state the time and place of such public meeting or public hearing and the nature of the subject to be considered, and the name, address, and phone number of the applicant.

9.1.9 Required Public Hearings, Public Meetings, and Appeal Hearings

The following table summarizes the types of applications requiring public hearings, public meetings, appeal hearings, and the review body responsible for conducting the hearing.

REQUIREMENTS REQUIRED PUBLIC MEETINGS & HEARINGS					
Application Type	Hearing Officer <u>Appeal Hearing</u>	<u>Planning and Zoning Commission—Public Meeting</u>	<u>Planning Commission—Public Hearing</u>	County Commission – Public Hearing	County Commission – Public Meeting
Conditional Use Permits					X
<u>Preliminary Plats</u>		X			
<u>Final Plats</u>				X	
Zoning Map (Rezoning and Overlays) <u>and</u> <u>& Text Amendments</u>		X	X	X	X
<u>Appeals of Administrative Decision of Zoning Administrator</u>					X
<u>Appeals of Administrative Decisions of the County Commission</u>	X				
Variances	X				
<u>Constitutional Takings Appeal</u>	X				
<u>Variances in Conjunction with Subdivision Approval</u>				X	X

9.1.10 Required Applicant Notices

A. Notice of Meetings and Hearings

1. The County shall provide written notice to each ~~land-use~~ applicant of the date, time and place of each public meeting and public hearing at which the applicant's application is to be considered.
2. All affected entities, including but not limited to ~~the Southeast Utah Health Department,~~ school districts, utilities, ~~local and~~ special ~~service~~ districts, UDOT, ~~towns and cities,~~ and ~~applicable state divisions~~~~the AOG state planning coordinator~~ shall be notified when considering the General Plan or amendments to the General Plan or multi-unit residential, commercial, industrial or subdivision approvals.

B. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant within 10 days of the final decision on each land use application.

9.1.11 Required Municipal Notice of Urban Development

Proposed residential development with more than 15 dwelling units and an average density greater than one residential unit per acre, or any proposed commercial development with a cost projection of greater than \$750,000, that is in the municipality's proposed annexation area is subject to municipal review according to the requirements of this section:

- A. The County shall provide written notice to the municipality of the proposed development; and
- B. Within 90 days after the County's written notice of the proposed development, the municipality shall either:
 1. Consent in writing to the development; or
 2. Submit a written objection to the County's approval of the proposed development.
- C. Where the municipality chooses to submit a written objection, within a reasonable time after receiving said objection, the County shall respond in writing to the municipality's objections and make a diligent attempt to reasonably reconcile said objections.

9.1.12 ~~Simultaneous Processing of Applications~~

~~Whenever two or more forms of review and approval are required under this LUC, the applications for those development approvals may be processed simultaneously at the Zoning Administrator's option and with the approval of the applicant. The simultaneous processing of applications shall be at the applicant's risk. [Ord. 546, 2016.]~~

9.2 Text and Zoning Map Amendments (Rezoning)

9.2.1 General

Text and zoning map amendments are discretionary legislative decisions. This is true even when a proposed map amendment otherwise conforms to the applicable requirements of this code.

9.2.2 ~~Application for Initiation of Text Amendment~~

Any person having a proprietary interest in any property may submit an application to the County Commission for a change or amendment to the provisions of this LUC, or the Planning Commission may on its own motion or on request from the County Commission institute study and proposal for changes and amendments in the public interest.

9.2.3 Application for Zoning Map Amendment

Any person having a proprietary interest in any property within Grand County, Utah, requesting a change or amendment to the zoning classification of such property shall submit an application for such change or amendment with the Zoning Administrator. Where the request for a zoning map amendment is also requesting application of an overlay district under Article 4, the applicant shall submit only one application, which process shall be governed by the applicable section of Article 4. A complete~~The~~ application shall be submitted at least 30 days prior to any desired agenda date and, at a minimum, shall include the following information:

- A. The name, address, and telephone number of the applicant shall be provided;
- B. The application shall clearly state the requested change or amendment and describe the property to be affected by such request by metes and bounds or by other legal description;
- C. The application shall be accompanied by a preliminary title report as required by Section 9.1.3.B~~from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record that affect the title to the subject property;~~
- D. A statement from the County Treasurer showing the status of all current taxes due on said parcel;
- E. Certified boundary survey of land area to be rezoned, along with an indication of the existing zoning, predominant existing uses, and existing zoning designations within 100 feet in all directions of the boundary of the land area to be rezoned;
- F. A list of surrounding property owners and their legal mailing addresses within 1,000 feet of the exterior boundary of the parcel proposed to be zoned or rezoned;
- G. A statement by the applicant explaining the rationale for the rezoning request relative to the issues for consideration imposed by Section 9.2.7; and
- H. A filing fee shall be submitted to cover the cost of review and processing with every application in accordance with the fee schedule adopted by resolution of the County Commission.

9.2.4 Review by Planning Commission

Before taking action on any proposed ~~zoning map or text~~ amendment, supplement or change, the County Commission shall submit the same to the Planning Commission for its recommendation and report.

A. Public Hearing Required

The Planning Commission shall hold a public hearing ~~on any proposed zoning map or text amendment permit~~ prior to making its recommendation to the County Commission.

B. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public Notices.

C. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant ~~by mail~~ within 10 days of the Planning Commission's decision.

9.2.5 Action by County Commission

The County Commission shall act on the zoning map or text amendment in a public hearing within ~~a reasonable time~~ **30 days** after the recommendation and report of the Planning Commission, ~~or within a reasonable time thereafter.~~

A. Public Hearing Required

The County Commission shall hold a public hearing ~~on any proposed zoning map or text application for amendment or change~~ prior to making its decision. ~~If County Commission approves the ordinance amendment on first reading in a public hearing, a second reading shall be held by the County Commission before adopting any proposed amendment, supplement or change. Following the second reading, such amendments shall become effective upon the favorable vote of a majority of the quorum of the County Commission present and voting.~~

B. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public Notices.

C. Exception

When the zoning district map in any way is to be changed or amended incidental to, or as a part of, a general revision of this LUC, whether such revision be made by repeal of the existing zoning and/or land use regulations and enactment of a new zoning and/or land use regulations, or otherwise, posting of notice on the land area proposed for rezoning shall not be required.

~~9.2.6 Public Notification Requirements for Text Amendment~~

~~When any such amendment relates to a change of a regulation or to the text of this LUC not affecting specific property, the County shall cause notice of the public hearing of the County~~

~~Commission to be given in a newspaper of general circulation in Grand County. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 10 days from the date of publication. [Ord. 546, 2016.]~~

9.2.67 Issues for Consideration

In making its determination, the Planning Commission and the County Commission shall consider the recommendation of the Planning Commission, staff reports, ~~and the~~ written and oral ~~public comment testimony presented~~, and the following criteria:

- A. Was the existing zone for the property adopted in error?
- B. Has there been a change of character in the area (e.g., installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?
- C. Is there a need for the proposed use(s) within the area or community?
- D. Will there be benefits derived by the community or area by granting the proposed rezoning?
- E. Is the proposal in conformance with the policies, intents and requirements of Grand County General Plan, specifically the plan's zoning map amendment guidelines ~~(see pages 44-48 of the Grand County General Plan)~~?
- F. Should the development be annexed to a city?
- G. Is the proposed density and intensity of use permitted in the proposed zoning district?
- H. Is the site suitable for rezoning based on a consideration of environmental and scenic quality impacts?
- I. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?
- J. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?
- K. Does the proposed change constitute "spot zoning"?

9.2.78 Interpretations of Text and Zoning Map

A. Authority

The Zoning Administrator shall have the authority to make all interpretations of the text of this LUC, and the boundaries of the official zoning map.

B. Requests for Interpretation

An interpretation may be requested by any affected person, any resident or real property owner in Grand County, or any person having a contractual interest in real property in Grand County.

C. Procedures

1. Submission of Request for Interpretation

Before an interpretation shall be provided by the Zoning Administrator, a request for interpretation shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator.

2. Determination of Completeness

Within a reasonable amount of time after a request for interpretation has been received, the Zoning Administrator shall determine whether the request is complete. If the Zoning Administrator determines the request is not complete, he shall serve written notice on the applicant specifying the deficiencies. The Zoning Administrator shall take no further action on the request for interpretation until the deficiencies are remedied.

3. Rendering of Interpretation

After the request for interpretation has been determined complete, the Zoning Administrator shall render an interpretation in writing within a reasonable amount of time. The Zoning Administrator may consult with the County Administrator and the County Attorney, review this LUC and the official zoning map, whichever is applicable, before rendering an interpretation.

~~4.—Form~~

~~The Zoning Administrator shall provide the interpretation to applicant shall be in writing and shall be sent to the applicant by certified mail.~~

~~5.—Official Record~~

~~The Zoning Administrator shall maintain an official record of all interpretations in the County Hall, which shall be available for public inspection during normal business hours.~~

~~6.—Appeal~~

~~Any person who has made a request for interpretation may appeal interpretation of the Zoning Administrator to the County Commission by filing an application within 30 days of the Zoning Administrator's decision. The date of the decision shall be the postmark date of the certified mail notifying the applicant of the interpretation. The County Commission shall consider the appeal application shall be considered by the County Commission within a reasonable timeframe 30 days of its filing, and affirm or modify the interpretation of the Zoning Administrator affirmed or modified.~~

9.3 Reserved. Subdivision Sketch Plan

9.3.1 Preapplication Conference

~~Prior to the filing of a subdivision sketch plan, the subdivider shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the County and the relationship of the proposed subdivision to the General Plan. At such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service and the general character of the development may be discussed. At the preapplication conference, the subdivider may be represented by a land planner, engineer or surveyor.~~

9.3.2 Submittal Requirements

~~The subdivision sketch plan shall include conceptual plans for the entire parcel on two 18 x 24 plats, two 11 x 17 copies, and in an electronic file ready for printing. Such plan shall be accompanied by or show the following information:~~

- ~~A.—A preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the property.~~
- ~~B.—Conceptual drawing.~~
- ~~C.—A conceptual drawing of the lot and street layout drawn at a scale of not less than one inch equals 200 feet and including the following:~~
- ~~D.—Proposed number of lots and the approximate area of the individual lots;~~
- ~~E.—Topographic contours at five-foot intervals and all easements or rights-of-way necessary for drainage within or without the boundaries of the subdivision;~~
- ~~F.—Significant natural features of the site including streams, lakes, natural drainage lines, vegetation type, and other similar features;~~
- ~~G.—Manmade features such as existing buildings, irrigation ditches, utility lines and easements, bridges, culverts, drainage systems, mines or mine dumps;~~
- ~~H.—Zone district boundaries;~~
- ~~I.—General land use divisions into residential types, commercial, industrial, community facilities, and open space including proposed boundaries of public use or common areas; parking area, total number of dwelling units and total square footage of nonresidential space;~~
- ~~J.—Type and layout of water supply and sewage treatment system proposed;~~
- ~~K.—Acreage of the entire tract and the area to the nearest one-half acre and percent of total area to be devoted to open space;~~
- ~~L.—The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing streets and alleys and other features that may influence the layout~~

~~and development of the proposed subdivisions; where adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown;~~

~~M.—A vicinity topography map (which may be a USGS one inch equals 2,000 feet scale) shall locate the property relative to surrounding areas; and~~

~~N.—A filing fee shall be submitted to cover the cost of review and processing with every subdivision sketch plan in accordance with the fee schedule adopted by resolution of the County Commission.~~

~~9.3.3 Application Review Procedures~~

~~A.—Date of Filing~~

~~All submittal requirements shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The subdivision sketch plan shall be considered officially filed after application review fees which are established by resolution of the County Commission have been paid and after it is examined and found to be in compliance with the general provisions of these regulations by the Zoning Administrator.~~

~~B.—Distribution of Subdivision Sketch Plans~~

~~The Zoning Administrator shall distribute the subdivision sketch plans immediately upon receipt to appropriate referral agencies which may include the following:~~

- ~~1.—Zoning Administrator;~~
- ~~2.—Grand County Engineer;~~
- ~~3.—Grand Water and Sewer Service Agency;~~
- ~~4.—Moab Fire Protection District;~~
- ~~5.—Grand County Administrator~~
- ~~6.—Grand County Recorder; and~~
- ~~7.—Grand County Road Superintendent.~~

~~9.4 Preliminary Plat~~

~~9.4.1 Preapplication Conference~~

~~Prior to the filing of a preliminary plat, the subdivider shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the County and the relationship of the proposed subdivision to the General Plan. At such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service and the general character of the development may be discussed. At the preapplication conference, the subdivider may be represented by a land planner, engineer or surveyor.~~

9.4.2 Submittal Requirements

The subdivider or owner shall submit an application requesting preliminary plat approval, a preliminary title report ~~as required by Section 9.1.3.B, from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property~~, and the preliminary plat on two 18 x 24 plats, two 11 x 17 copies, and in an electronic file ready for printing. The preliminary plat shall include plans for the entire parcel. The following notice shall be stamped on the face of each preliminary plat: "Preliminary Plat for inspection purposes only, and in no way official or approved for record purposes." Such plat shall be accompanied by or show the following information:

A. Boundary Lines and Bearings

Boundary lines, bearings, and distances sufficient to locate the exact area proposed for subdivision. At least one subdivision corner shall be referenced to a survey (abstract) corner. The area, in acres, of the subdivision shall also be shown.

B. Adjacent Subdivisions

The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing lots, streets, alleys and other features that may influence the layout and development of the proposed subdivisions. Where adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown.

C. Intersecting Streets

The angle of intersection of the centerline of all intersecting streets.

D. Proposed Streets, Alleys and Easements

The names, location and widths of all streets, alleys and easements proposed for the subdivision, and all known rights-of-way and/or easements within or affecting the area to be subdivided.

E. Proposed Blocks, Lots and Parks

The subdivision shall show all proposed streets and alleys, easements, blocks, lots, parks, etc., with principal dimensions.

F. Contours

Existing topographic contours at five-foot intervals and all easements or rights-of-way necessary for drainage within or without the boundaries of the addition.

G. Subdivision Title and Planner

The title under which the proposed subdivision is to be recorded, the name of the owner and authorized signatory by name and title, and the name of the engineer or land planner who prepared the plat.

H. Dedicated Parks, Playgrounds and Other Public Uses

Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

I. Scale, North Point

1. Scale, north point, date and other pertinent data.
2. The scale of the preliminary plat may be at one inch equals 200 feet.
3. Name, address and telephone number.
4. Property owner's name, address, and telephone number.
5. Proposed layout of utilities.
6. A proposed preliminary layout of sanitary sewer and water lines to serve the subdivision.

J. Drainage Report

A general drainage report or drainage statement shall accompany the preliminary plat. This study or report shall show the acreage draining into the subdivision, points of runoff through and away from the subdivision.

K. Protective Covenants

Draft of any protective covenants where the subdivider proposes to regulate land use or development standards in the subdivision or where otherwise required by this Article 9.

L. Proposed Land Uses

A designation of the proposed uses of land within the subdivision and any zoning amendments proposed to be requested.

M. Vicinity Map

A vicinity map on a smaller scale showing the proposed subdivision and its relationship to the surrounding area and County limits.

N. Application Fee

A filing fee shall be submitted to cover the cost of review and processing with every preliminary plat in accordance with the fee schedule adopted by resolution of the County Commission.

O. Preliminary Master Plan

If the proposed subdivision is a portion of a tract that is later to be subdivided in its entirety, then a tentative master plan of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master subdivision plan shall conform in all respects to the requirements of the preliminary plat; except it may be on a scale of not more than one inch to 100 feet, or other staff-approved scale.

P. Optional Architectural and Landscaping Plan

1. The County Planning Commission may require that an architectural and landscaping plan be submitted as part of a preliminary subdivision plat application. An architectural and landscaping plan may include:

- a. An architectural plan depicting elevation drawings of the proposed development from public use area perspectives or as specified by the Planning and Zoning Commission; and
- b. A landscaping plan depicting treatment of exterior spaces to include the species of vegetation, their size and siting.

9.4.3 Application Review Procedures

A. Date of Filing

Two 18 x 24 plats, two 11 x 17 copies, and an electronic file ready for printing of the preliminary plat application shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The preliminary plat shall be considered officially filed after application review fees ~~which are established by resolution of the County Commission~~ have been paid and after it is examined and found to be in general compliance with the provisions of these regulations by the Zoning Administrator.

~~**B. Conformance with Subdivision Sketch Plan**~~

~~The preliminary plat shall conform substantially to the subdivision sketch plan as approved.~~

~~**C. B. Distribution of Preliminary Plat**~~

1. The Zoning Administrator shall distribute the preliminary plat immediately upon receipt to appropriate referral agencies which may include the following:
2. Zoning Administrator;
3. Grand County Engineer;
4. Grand County Water and Sewer Service Agency;
5. Moab Fire Protection District;
6. Grand County Administrator;
7. Grand County Recorder; and
8. Grand County Road Superintendent.

~~9. Additional copies shall be provided to the Planning Commission prior to the Planning Commission meeting at which the preliminary plat is considered.~~

~~**D. Comments; Written Report**~~

~~Prior to the meeting of the Planning Commission at which the plat is to be considered, each agency listed above shall submit their written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the plat for their consideration. A written report shall be prepared by the Zoning Administrator and submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the General Plan or other master plans such as utility plans. The report may include comments from other County departments, County, or state agencies concerned with urban development.~~

E.— Review by Planning Commission

~~Before taking action on any proposed amendment, supplement or change, the County Commission shall submit the same to the Planning Commission for its recommendation and report.~~

1.— Public Meeting Required

~~The Planning Commission shall hold a public meeting prior to approving a preliminary plat.~~

2.— Public Notification

~~Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public Notices.~~

3.— Action by Planning Commission

~~Following review of the preliminary plat and other materials submitted for conformity thereof to these regulations, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning Commission shall, at the first regular meeting occurring at least 30 days after the official filing date, act thereon as submitted or modified, and if approved the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.~~

CD. 4.— Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant **by mail** within 10 days of the ~~Planning Commission's~~ decision.

9.4.4 Issues for Consideration

The ~~Zoning Administrator Planning Commission~~ shall, in its action on the preliminary plat, consider Article 7, Subdivision Standards, the physical arrangement of the subdivision, **and determine** the adequacy of street right-of-way and alignment, the street standards of Grand County, the existing street pattern in the area and with all applicable provisions of the General Plan. The ~~Planning Commission-Zoning Administrator~~ shall also **review whether ascertain that** adequate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

9.4.5 Effect of Preliminary Plat Approval

A. Not Approval of Final Plat

Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

~~B. Lapse of Approval~~

~~Conditional approval of a preliminary plat Preliminary approval of the subdivision shall be valid for a period of 12 months from the date of approval and the general terms and conditions under which the preliminary approval was granted will not be changed. The preliminary approval of the subdivision shall be deemed voided unless a final plat is submitted within the 12 month period or unless the 12 month period is extended by the County Commission at the request of the subdivider. Provided, however, that the approval of the preliminary plat for a multi-phase subdivision shall be deemed voided unless at least one phase of the subdivision is submitted within 12 months following approval of the previous final plat for the subdivision, unless the 12-month period is extended by the County Commission. The County Commission may extend the approval period for one or more times for good cause.~~

9.5 Final Plat

9.5.1 Final Plat Submittal Requirements

The owner of land on which preliminary plat approval has been obtained shall prepare and submit: (a) a non-erasable Mylar copy, and (b) a digital copy of the final plat (including all lines, bearings, corners, etc., necessary to describe the subject lot(s) or parcel(s), and all easements), in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator (currently preferred in State Plane Coordinates – Utah Central Zone or the Valley Coordinate System) with all measurements stated in feet, and (c) one 24 x 36 copy, or more if specified by the Zoning Administrator. The plat shall be drawn to a scale of 100 feet to one inch, or other scale approved by staff. When necessary the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in phases satisfactory to the Zoning Administrator County Commission. The final plat shall show or be accompanied by the following:

A. Control Points; Acres

The primary control points, or descriptions and “ties” to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred shall be placed on the final plat. The area of the subdivision, in acres, shall be shown.

B. Boundary Lines and Bearings

Tract boundary line sufficient to locate the exact area proposed for subdivision, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves shall be placed on the final plat.

C. Streets

Name and rights-of-way width of each street or other rights-of-way shall be placed on the final plat.

D. Easements

Location and dimensions of all easements shall be placed on the final plat.

E. Lot and Block Numbers

Number to identify each lot or site and each block, and the dimensions of lots and blocks, shall be placed on the final plat.

F. Purpose of Sites

The purpose for which sites, other than residential lots, are dedicated or reserved shall be indicated on the final plat.

G. Building Lines

Minimum building setback lines when required or approved by the [Zoning Administrator Planning Commission](#) shall be placed on the final plat.

H. Monuments

Location and description of monuments shall be placed on the final plat. Monuments shall include centerline monuments at all curve points and intersections.

I. Adjacent Land

References to recorded subdivision plats or adjoining platted land by record name shall be placed on the final plat.

J. Surveyor’s Certificate and Legal Description

A legal description and surveyor’s certificate, in the following form, shall be placed on the final plat:

KNOW ALL PERSONS BY THESE PRESENTS:

That I, _____, do hereby certify that I am a registered Utah Land Surveyor, and that I hold certificate No. _____ as prescribed under the laws of the state of Utah, and I further certify that under the authority of the owners, I have made a survey of those lands as shown here on and described below, and that I have subdivided said tract of land into lots and streets, hereafter to be known as _____ and that same has been correctly surveyed and staked on the ground as shown on this plat.

Signature

K. Approval Certification

Certification of approval by the ~~Zoning Administrator~~ ~~Planning Commission~~ and County Commission, in the following form, shall be placed on the final plat.

APPROVED this _____ day of _____, 20____, by the ~~Zoning Administrator~~ ~~Planning and Zoning Commission~~ of Grand County, Utah

~~Chair~~ Zoning Administrator

APPROVED this _____ day of _____, 20____, by the Grand County Commission

Chair

ATTEST:

County ~~Recorder~~ Clerk/Recorder

L. Title; Scale

A title, scale, and north point shall be placed on the final plat.

M. Street Intersections

The location of the point of intersection and points of tangency of street intersections, and the bearing and distance of each street rights-of-way center line shall be placed on the final plat.

N. Plat Identification

A positive reference and identification of the plat and date of plat shall be placed on the final plat.

O. Dedication Certificate

1. The property owner’s certificate or deed of dedication shall be placed on the final plat. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws for the state of Utah for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

2. An accurate description of the tract of land subdivided.

3. A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.
4. An express dedication without reservation to the public for public use; the streets, trails, rights-of-way, school sites and any other public areas shown on the attached plat.
5. A positive reference and identification of the plat of such subdivision, date of plat and surveyor or engineer responsible for the survey.

P. Tax Certificates

Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year shall be submitted with the final plat.

Q. Construction Plans and Cost Estimate

A digital copy and one 24-inch x 36-inch paper copy of the plans for required improvements along with all data and calculations related to utilities, drainage or other construction in the subdivision and a cost estimate shall be submitted with the final plat. The construction plans shall conform to all requirements of the current construction design standards for Grand County. The cost estimate shall bear the signature and seal of the design engineer. Such plans shall also show all existing or proposed surface and subsurface improvements and obstructions.

R. Subdivision Improvements Agreement

A subdivision improvements agreement for all required public improvements in accordance with the requirements of this section.

S. Title Report

An updated title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property shall be submitted within 15 days immediately prior to final review by the Zoning Administrator-County Commission.

T. Filing Fee

1.—A filing fee to cover the cost of review in accordance with the fee schedule adopted by ordinanceresolution of the County Commission.

U. Condominiums

2.—Additional submission requirements for condominium subdivisions. In addition to the above submission requirements, applications for condominium subdivisions shall be subject to the applicable provisions of Section 57-8-1 et seq., Utah Code Annotated 1953.

[Ord. 579, 2018; Ord. 546, 2016.]

9.5.2 Application Review Procedures

A. Date of Filing

After approval of the preliminary plat by the ~~Zoning Administrator Planning Commission~~ and within 12 months of the approval date unless extended for up to one additional year by action of the County Commission, the subdivider may submit for approval the final plat. The application, meeting all the requirements of Section 9.5.1, shall be submitted to the Zoning Administrator at least 30 days prior to the meeting at which consideration is desired. The official filing date of the final plat shall be the date upon which the plat and construction drawings are found to be in full compliance with the provisions of the preliminary approval after examination by the Zoning Administrator and the review fees which are established by resolution of the County Commission have been paid.

B. Conformance with Preliminary Plat

The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat that he or she proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

C. Review of Final Plat

After the presentation of the final plat application for a subdivision to the Zoning Administrator, the Zoning Administrator shall submit the application to the County Engineer, any district providing utility service for review and to any other appropriate referral agencies for review. The County Engineer and other referral agencies shall review the plans and submit comments to the Zoning Administrator for inclusion in the final plat presentation. The developer shall pay the reasonable cost of review of the construction plans before the final plat is presented to the County Commission.

~~**D. Review by County Commission**~~

~~Before taking action, the~~

~~**1. Action by County Commission**~~

~~The Zoning Administrator shall submit the final plat to the County Commission, along with any preliminary plat conditions established by the Planning Commission, preliminary plat, and an appropriate recommendation. The County Commission shall consider all proposals with respect to the dedication of rights-of-way for public use, the construction of utilities, streets, drainage, and other improvements, and when satisfied with the proposals, shall authorize the establishment of agreements for same. The County Commission shall act on the final plat within 30 days after the Planning Commission makes a recommendation, or within a reasonable time thereafter.~~

~~**— Action by County Commission**~~

~~The County Commission shall act on the final plat in a public meeting within 30 days after the Planning Commission Zoning Administrator makes a recommendation, or within a reasonable time thereafter.~~

~~**— Public Notification**~~

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public Notices.

1. **2.—Review in Stages**

An owner or subdivider, at his or her option, may obtain approval of a portion or a section of a subdivision provided he or she meets all the requirements of this LUC with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the final plat thereof is approved by the Zoning Administrator ~~County Commission~~ in sections, each final plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle.

2. **3.—Approval by the Zoning Administrator ~~County Commission~~**

The Zoning Administrator shall provide a copy of the decision to the applicant ~~by mail~~ within 10 days ~~of the final decision of the County Planning Commission's decision. After the County Commission has determined that the plat is in proper form, that any conditions of the preliminary plat are satisfied, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations, and that the subdivision complies with the provisions of this LUC, it shall act to approve the plat.~~

3. **4. Disapproval by the Zoning Administrator ~~County Commission~~**

The Zoning Administrator shall provide a copy of the decision to the applicant ~~by mail~~ within 10 days of the ~~final County Planning Commission's decision~~. Final plats that are disapproved by the Zoning Administrator ~~County Commission~~ shall be returned to the subdivider by the Zoning Administrator with an attached statement of the reasons for such action.

5. Action Following Approval

a. Certification of Approval

- (1) The County Commission Chair's ~~'s~~ approval shall serve as the certificate of approval on the final plat.
- (2) In no case shall additions, corrections, or modifications of any kind be made to the final plat other than signatures required after the final plat has been approved by the County Commission Chair.

b. Completion of Required Public Improvements or Submission of Completion Assurance

Before a developer records a plat, the developer shall:

- (1) Complete any improvements shown on the plat or included in the subdivision improvements agreement to the satisfaction of the County as more fully set forth in the subdivision improvements agreement; or

(2) Post an improvement completion assurance for any required improvements included in the subdivision improvement agreement.

If a developer elects to post an improvement completion assurance, the developer shall ensure that the assurance:

- i. Provides for completion of 100 percent of the required improvements plus a 25 percent contingency fee; or
- ii. If the County has inspected and accepted a portion of the required improvements, provides for completion of 100 percent of the unaccepted improvements plus a 25 percent contingency fee.

c. Recordation of Plats

(1) The final plat for any subdivision located within Grand County shall be filed of record by the developer in the plat records of Grand County, but only after the County Commission Chair and Zoning Administrator ~~has~~ officially acted upon the final plat with reference to improvements, dedications and utilities; all fees (including recording and review fees) shall have been paid by the developer; all required associated documents, such as a subdivision improvement agreement or subdivision covenants have been simultaneously recorded; and the developer has completed and the County has inspected and accepted required improvements or posted a completion assurance in compliance with subsection D.5.b of this section.

(2) If for any reason the final plat has not been recorded within 24 months of County Commission Chair and Zoning Administrator approval, the approving actions shall be deemed void and a new application for final plat will need to be processed through the County.

9.5.3 Responsibility for Payment for Installation Costs

The subdivider shall provide for costs of materials, installation, and maintenance of all required improvements in accordance with the Grand Construction Standard or the most recent County construction standards, and the following requirements:

A. Required Improvements

1. The subdivider shall pay all costs of materials and installation of the following:
2. Setting of survey monuments and markers;
3. Streets and road construction for all street improvements including base, grading, curbs, gutters, sidewalks, pavement, street name signs, road regulatory signs, culverts, and bridges;
4. Water and sewer lines installations including fire hydrants and manholes;
5. Required storm water system and/or other drainage improvements;

6. All field density and related testing of base, sub-base and other compacted backfill, gradation tests, concrete cylinder tests, asphalt tests, and/or other related tests required to insure minimum standard requirements; and
7. Electric, gas, and other utilities.

B. Improvement Agreements and Guarantees

Prior to the recording of a final plat, a subdivider shall submit for approval to the Zoning Administrator an improvements agreement and financial guarantee for construction of any required improvements designated on the approved final plat or construction plans in accordance with the requirements of this section.

1. Form of Agreement

All improvement agreements shall utilize the standard County template (guide) for the format and content of such agreements. The template may be obtained from the Zoning Administrator.

2. Engineered Cost Estimate

The improvements agreement shall include a cost estimate for all required improvements prepared by a Utah-registered, professional engineer.

3. Financial Guarantees

The subdivider shall utilize one of the following methods of posting security to cover the cost of installing all required improvements; provided, however, that nothing in this section shall preclude the County Commission from approving other forms of liquid financial security in a form approved by the County. No expiration of the guarantee shall be permitted.

a. Escrow Agreement

Place on deposit in an approved bank in the name of Grand County, a sum of money equal to 125 percent of the estimated cost (100 percent of cost plus 25 percent contingency) of all improvements required by this section. Selection of the trustee shall be subject to approval by the County. The escrow agreement shall be approved as to form and legality in writing by the County Attorney. The escrow agreement shall state the name of the subdivision and shall list the improvements the subdivider is required to provide. The County Clerk shall certify in writing that the securities are a satisfactory guarantee for the County.

b. Completion Assurance Bond

File with the County Clerk a bond executed by a surety company holding a license to do business in the State of Utah, and acceptable to Grand County on a form approved by the County, in an amount of 125 percent of the estimated cost (100 percent of cost plus 25 percent contingency) of all improvements required by this section. The completion

assurance bond shall be approved as to form and legality in writing by the County Attorney. The County Clerk shall certify in writing that the securities are a satisfactory guarantee for the County.

C. Engineering Inspection and Tests

1. Grand County Engineer, applicable service district, or other inspection agent designated by the Zoning Administrator shall be notified three days before any construction is begun on such public improvements in order that proper supervision and inspection may be provided. All construction work, such as street grading, street paving, storm sewers, curb and/or gutter work, sanitary sewers or water mains performed by the owner, developer or contractor, shall be subject to inspection during construction by the proper authorities of the County and shall be constructed in accordance with the approved standards and specifications, and in accordance with the provisions of any other applicable ordinance of Grand County.
2. The County will charge fees for engineering inspection during construction and for final inspection commensurate to the value of services rendered or costs incurred; however, it is to be understood that the County will do no layout work or daily inspection. Where a special trip(s) to Grand County by the County Engineer is required, the subdivider shall reimburse the County for the costs of such trip(s).
3. The County may require compaction tests on embankments and flexible bases, and depth tests on flexible bases and pavements, and pressure tests on piping systems, before final inspection and approval.

9.5.4 Plat Approval and Dedication

Approval of the plat and acceptance of dedication on a final plat shall not be effective until the final plat is recorded in the office of the County Clerk/Recorder. Approval of the plat and acceptance of a public dedication by the County shall not imply the maintenance by the County of such dedication. Acceptance for maintenance of public roads, parks, trails and other public dedications requires a separate action of the County Commission in accordance with the requirements of Section 9.5.5D, Final Acceptance.

9.5.5 Acceptance of Subdivision Improvements

A. Time Frame for Completion

1. Plan Resubmittal

If construction of Subdivision Improvements has not commenced within one year after approval of the plans, the Zoning Administrator may require resubmittal of plans for meeting current standards and engineering requirements.

2. Expiration and Extension of Approval

If the Subdivisionpublic I improvements ~~for a subdivision~~ have not been constructed and accepted by the County within 24 months of the recordation of the final plat, said final plat shall be null and void and shall conclusively be deemed to be withdrawn, without further

action by the County. An approved, unexpired final subdivision plat may be extended once for a period not to exceed 24 months, pursuant to the following provisions:

- a. The County Commission ~~and~~ Zoning Administrator may extend the approval of the final plat, for good cause shown by the applicant, if there has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances.
- b. A request for an extension of time to complete final public improvements for a subdivision pursuant to these provisions shall be submitted to the Zoning Administrator no later than the date the final subdivision plat expires. The request shall be in writing, and the application shall state the reason and justification for the requested extension.

B. Partial Acceptance and Reduction of Security

1. As Subdivision~~public~~ I improvements are completed, a subdivider may apply from time to time to the Zoning Administrator for partial release of the collateral deposited with the County Clerk in accordance with the procedures of subsection C of this section, Collateral Release Procedure.
2. If the County Engineer and/or Zoning Administrator determine that any of the Subdivision~~required~~ I improvements are not constructed in substantial compliance with approved standards and specifications, it shall furnish the applicant a list of deficiencies and shall be entitled to withhold collateral sufficient to insure substantial compliance.
3. If the County Engineer and/or Zoning Administrator determines that the subdivider will not construct any or all of the Subdivision I improvements in accordance with all of the approved standards and specifications, the Zoning Administrator may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the Subdivision I improvements in accordance with the approved standards and specifications.
4. The County Engineer shall independently inspect the construction of Subdivision I improvements while in progress, and, shall likewise inspect such improvements upon completion of construction. The design engineer shall certify that construction was completed to plan, and shall have approved any change(s) to the approved plan in consultation with the County Engineer. After final inspection, the County Engineer shall notify the subdivider and the Zoning Administrator in writing as to its acceptance or rejection. The Zoning Administrator shall reject such construction only if it fails to comply with the approved standards and specifications contained or referred to herein. If the Zoning Administrator rejects such construction, the Zoning Administrator shall advise the County Attorney and the County Attorney shall enforce the guarantees provided in this section.
5. The design engineer for the subdivider shall submit to the Zoning Administrator a complete set of as-built drawings in “reproducible” hard copy and digital format showing all subdivision improvements, including utility locations (gas, water, sewer and telephone), paving and drainage improvements, and all changes made in the plans during construction. Each hard copy sheet shall contain an “As-Built” stamp bearing the signature of the engineer and the date. Digital information shall be provided in the latest version of AutoCAD, or

other format compatible with the County GIS as may be specified by the Zoning Administrator with all measurements stated in feet.

6. The subdivider shall require his construction contractors, with whom he contracts for furnishing materials and for installation of the Subdivision Improvements required under this section, and shall himself be required to furnish to the Zoning Administrator a written guarantee that all workmanship and materials shall be free of defects for a period of one year from the date of acceptance by the Zoning Administrator.

7. Prior to the County's final acceptance of the Subdivision Improvements~~a subdivision by the County Commission Chair and the Zoning Administrator~~, the subdivider shall furnish a good and sufficient, unconditional warranty bond, or certified check payable to "Grand County," in the amount of 10 percent of the contract price with a reputable and solvent corporate surety in favor of the County, to indemnify the County or any applicable service district(s) against any repairs that may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein, for a full period of one year from the date of final acceptance of the work being warranted.

C. Collateral Release Procedure

1. From time to time, as the Subdivision Improvements are completed, subdivider may apply in writing to the County for a partial or full release of the letter of credit or substitute collateral and shall utilize the standard County-approved form for this purpose. Such release requests shall be complete at least 14 days prior to any desired release date; and must show or include all of the following:

- a. Dollar amount of commitment guarantee;
- b. Improvements completed, including dollar value;
- c. Improvements not completed, including dollar value;
- d. Amount of previous releases;
- e. Amount of commitment guarantee requested released;
- f. Release or waivers of mechanic's liens of all parties who have furnished work, services, or materials for the improvements;
- g. Certification by the design engineer that the improvements have been completed according to approved standards and specifications; and
- h. Reasonable fee to cover the cost of administration and inspections.

2. Upon receipt of the application, the Zoning Administrator shall promptly refer the application to the County Engineer. The County Engineer shall inspect the Subdivision~~required~~ Improvements, both those completed and those uncompleted, at his earliest convenience. If the County Engineer determines from the inspection that the

~~Subdivision required~~ Improvements shown on the application have been completed as provided herein, the County Engineer shall so advise the Zoning Administrator, and the Zoning Administrator shall release that portion of the collateral supporting the commitment guarantee relative to the completed improvements.

3. All collateral releases shall be made in writing signed by the Zoning Administrator. Such releases shall be made in all cases as soon as practical following the submission of a complete request, as described above.

4. The County may release 115 percent of the amount of the collateral for the ~~Subdivision required~~ Improvements completed to date, less 125 percent of the costs of the ~~Subdivision required~~ Improvements not completed; thus retaining 10 percent of the amount of the collateral for the ~~Subdivision required~~ Improvements completed to date as identified by the approved cost estimate shall be retained pending satisfaction of the warranty bond requirements of subsection B.7 of this section. Alternatively, the amount to be released may be 125 percent of the amount of the collateral for the ~~Subdivision required~~ Improvements completed to date, upon submission of a warranty bond in accordance with the requirements of subsection B.7 of this section.

D. Final Acceptance

Final acceptance of the ~~Subdivision required~~ Improvements and release of the warranty bond shall be made by resolution of the County Commission in accordance with the requirements of this section.

E. Completion of ~~Subdivision Required~~ Improvements

Completion of the ~~Subdivision required~~ Improvements shall be verified by the following findings:

1. Certification by the Design Engineer that the ~~Subdivision required~~ Improvements have been completed according to the approved standards and specifications;
2. Verification of the County Engineer that the ~~Subdivision required~~ Improvements have been completed according to the approved standards and specifications;
3. Presentation of signatures of final acceptance by any applicable service district(s); and
4. Submission of as-built drawings in reproducible hard copy and digital format in accordance with the requirements of Section 9.1.3D.

F. Maintenance of ~~Subdivision~~ Improvements

Upon final acceptance, maintenance of the completed ~~Subdivision~~ Improvements shall be assumed by one of the following as determined by the County Commission:

1. Grand County and/or other applicable service district(s) for public ~~Subdivision~~ Improvements; or

2. A homeowners' association formed in accordance with the requirements of Section 9.6, Mandatory Homeowners' Association, for private Subdivision Improvements.

G. Warranty Bond Release

Release of the warranty bond required by subsection B.7 of this section shall occur following final acceptance of the Subdivision required improvements in accordance with the approved standards and specifications.

9.6 Mandatory Homeowners' Association

9.6.1 Applicability

When a residential subdivision contains any physical facilities, structures, improvements, systems, areas or grounds held in common and necessary or desirable for the welfare of the area or subdivision, or that are of common use or benefit and that are not or cannot be satisfactorily maintained by the County or another public agency, the County may require the establishment and creation of a mandatory homeowners' association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems, areas or grounds.

9.6.2 Approval

If the establishment and creation of a mandatory homeowners' association is required by the County, a copy of the agreements, covenants and restrictions establishing and creating the association must be approved by the Zoning Administrator and County Commission prior to the approval of the final plat of the subdivision and must be filed of record with said final plat in the map and plat records of Grand County, Utah. Said final plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by said association.

9.6.3 Responsibilities

Such mandatory homeowners' associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, common areas, between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures, or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners' association as required herein is established and created.

9.6.4 Dedications to Association

All facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by a mandatory homeowners' association, other than those located in public easements or rights-of-way, shall be dedicated by easement or deeded in fee simple ownership interest to said association. Such easements or ownership shall be clearly identified on the final plat of the applicable subdivision.

9.6.5 Contents of Agreements

At a minimum, the agreements, covenants and restrictions establishing and creating a mandatory homeowners' association required herein shall contain and/or provide for the following:

- A.** Definitions of terms contained therein;
- B.** Provisions acceptable to the County for the establishment and organization of the mandatory homeowners' association and the adoption of bylaws for said association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive buyer(s) shall automatically and mandatorily become a member of the association;
- C.** The initial term of the agreements, covenants and restrictions establishing and creating the association shall be for a 25-year period and shall automatically renew for successive 10-year periods, and the association may not be dissolved without the prior written consent of the County;
- D.** Provisions acceptable to the County to ensure the continuous and perpetual use, operation, maintenance, and/or supervision of all facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association and to establish a reserve fund for such purposes;
- E.** Provisions prohibiting the amendment of any portion of the association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association without the prior written consent of the County;
- F.** The right and ability of the County or its lawful agents, after due notice to the association, to remove any landscape systems, features or elements that cease to be maintained by the association; to perform the responsibilities of the association if the association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the association or of any applicable County codes or regulations; to assess the association for all costs incurred by the County in performing said responsibilities if the association fails to do so; and/or to avail itself of any other enforcement actions available to the County pursuant to state law or County codes or regulations;
- G.** Provisions indemnifying and holding the County harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the County's removal of any landscape systems, features or elements that cease to be maintained by the association or from the County's performance of the aforementioned operation, maintenance or supervision responsibilities of the association due to the association's failure to perform said responsibilities;
- H.** Provisions stating that the association shall indemnify and hold the County harmless for claims based on the county's inaction; and
- I.** Provisions stating that Grand County shall have neither the right nor the responsibility to enforce private covenants except in accordance with the provisions of Section 9.6.1.

9.7 Minor Record Survey

9.7.1 Purpose

~~A.— Minor record survey is intended to provide an expeditious, one-time only process for small, low impact developments no more than three lots, where all roads and utilities necessary to serve the subdivision are in place consistent with all applicable county standards at the time of application and the resulting lots are in compliance with the underlying zoning. Minor record survey also allows property to be subdivided where such property was lawfully and fully developed in accordance with previous County regulations. Upon approval of a minor record survey, applicants shall be authorized to sell lots within the subdivision that is the subject of the minor record survey by deed with metes and bounds description.~~

~~B.— These procedures may be utilized only one time for each parcel of land, thereafter subdivision of such parcels shall be subject to preliminary and final plat review procedures.~~

9.7.2 Land Use Authority

~~The Zoning Administrator shall be the land use authority for minor record surveys, subject to the requirements of this section.~~

9.7.3 Application and Completeness Determination

~~Application must be made for minor record surveys in accordance with the requirements of Section 9.1.3, Minimum Submission Requirements. The Zoning Administrator is responsible for determining the completeness of an application submitted, pursuant to Section 9.1.6.~~

9.7.4 Review Process

~~The Zoning Administrator shall take final action to approve, approve with conditions or deny such applications.~~

A.— Approval by Administrator

~~The Zoning Administrator shall prepare findings of fact on the minor record survey within 15 days or within a reasonable time thereafter. At that time, the Zoning Administrator may approve the application and authorize the Chairman of the County Commission to sign the survey.~~

B.— Disapproval by Administrator

~~Minor record surveys that are disapproved shall be returned to the developer by the Zoning Administrator with an attached statement of the reasons for such action.~~

C.— Review by Planning Commission

~~In the event of a denial of a minor record survey by the Zoning Administrator, such application shall be placed on the next Planning Commission agenda, upon request of the applicant, for final review and action in accordance with the requirements of this section.~~

~~9.7.5 Items for Consideration~~

~~The Administrator shall, in taking action on the minor record survey, consider consistency with the criteria for approval of minor record surveys, consider the physical arrangement of the lots in the minor record survey, and determine the adequacy of street rights-of-way or easements, improvements and alignment relative to the street standards of Grand County, the existing street pattern in the area, the need for connections between neighborhoods and developments and with all applicable provisions of the General Plan. The Administrator shall also ascertain that adequate rights-of-way for future roads are provided, easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.~~

~~9.7.6 Criteria for Approval~~

~~Major subdivision review, including preliminary and final plat, shall not be required where all of the following conditions exist:~~

~~A.—Each minor record survey shall include no more than three lots, each for single family residential use.~~

~~B.—All roads and trails needed to serve the new lots are in place adjacent to the proposed lots, and either:~~

~~1.—The property was fully developed in compliance with applicable County standards prior to the adoption of the LUC [January 4, 1999] and building permits were issued for a single family dwelling on each lot, and access easements and driveways are in place that provide adequate access for residents and emergency vehicles; or~~

~~2.—The property has frontage on a street or road that is either improved to County standards or accepted for County maintenance, and no new streets, roads or extensions need to be widened, dedicated or constructed.~~

~~C.—Where sidewalk, curb and gutter are required, such improvements shall be installed by the applicant prior to Administrator's approval.~~

~~D.—No utilities, other than individual service lines, need to be extended to serve the parcel and the necessary utilities are in place immediately adjacent to the parcel.~~

~~E.—Drainage improvements required by Section 6.7, Drainage, are in place; or such required drainage improvements will be installed prior to the issuance of a building permit(s) for the subdivision lot(s), and the minor record survey includes the following note:~~

~~Note: No Building Permit(s) shall be issued for a structure(s) on any lot(s) approved by this resolution prior to the completion of drainage improvements in accordance with the requirements of Grand County Land Use Code, Section 6.7A, Drainage Detention Basin.~~

~~F.—There are no other problems of public concern.~~

9.7.7 Recordation

~~If the Zoning Administrator has approved and signed a certificate of written approval on the minor record survey, the minor record survey becomes the instrument to be recorded in the office of the County Recorder when all requirements have been met. The subdivider shall pay the record filing fee. If for any reason the minor record survey has not been recorded within 90 days of the Zoning Administrator's signature, the approving actions shall be deemed void.~~

9.7 Recreational Subdivisions

9.7.1 Purpose

The recreational subdivision procedure is intended to provide greater design flexibility for seasonal subdivision development with respect to otherwise applicable subdivision standards, where there is a reasonable expectation that the resulting lots will be occupied exclusively on a seasonal basis.

9.7.2 Preapplication Conference

Prior to the filing of a recreational subdivision plat application, the applicant shall meet with the Zoning Administrator to acquaint himself or herself with the requirements of the County. At such meeting, the application contents, applicable referral agencies, criteria for approval of recreational subdivisions, review procedures, use and area standards, and the general character of the development may be discussed.

9.7.3 Submittal Requirements

The submittal requirements for a recreational subdivision shall be the same ~~sketch plan,~~ preliminary plat and preliminary plat submittal requirements as specified for other subdivisions in Sections 9.3.2, 9.4.2 and 9.5.1.

9.7.4 Application Review Procedures

The review procedures for recreational subdivisions shall be the same ~~sketch plan,~~ preliminary plat and preliminary plat procedures as specified for other subdivisions in Sections 9.3.3, 9.4.3 and 9.5.2.

9.7.5 Criteria for Approval

A. The resulting lots will not be occupied long term, but rather they will be only be occupied on a seasonal basis; and year-round, vehicular access is not available;

- B.** The proposed subdivision is sufficiently removed from other areas served by public facilities and public road maintenance as to make the extension of such public facilities and maintenance unlikely in the foreseeable future;
- C.** The proposed subdivision shall conform with the subdivision standards of Article 7; provided, however, where appropriate and at the discretion of the Zoning Administrator-Planning Commission:
- i.** A private access tract may be permitted to serve up to six lots in a recreational subdivision; and
 - ii.** Water hauling or an on-site cistern may be allowed for a single recreational property with water storage capacity of at least 1,000 gallons in a tank that is approved for culinary water storage; and
 - iii.** Each dwelling unit shall be designed and sited in conformance with the wildfire standards of Section 6.9.6.

9.8 Plat Amendments and Correction/Exemption Plats

9.8.1 Plat Amendments

Subdivision amendments shall be subject to all requirements of this LUC regarding preliminary and final plats and ~~shall also be processed under~~ Utah Code § 17-27a-608, as amended. ~~Public notice shall be provided under Utah Code § 17-27a-608(1)(c) and LUC Section 9.1.8 prior to approval of the preliminary plat and final plat. Public hearings may be required as provided in Utah Code § 17-27a-608(1)(d) unless excepted by Utah Code § 17-27a-608(2)(a). [Ord. 615, 2020; Ord. 546, 2016.]~~

9.8.2 ~~Public Notification~~

~~Unless otherwise required by Utah law, public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public Notices. [Ord. 615, 2020; Ord. 546, 2016.]~~

9.8.3 Correction/Exemption Plats

Correction/Exemption plats shall meet all requirements of this LUC for final plat; provided, however, that the ~~County Commission Chair and Zoning Administrator~~ may approve such correction/exemption plat without notice or hearing where the boundary or plat amendment is solely for one or more of the following purposes and does not remove any covenants or restrictions or increase the number of lots:

- A.** The purpose is to correct an error in any course or distance shown on the prior plat.
- B.** The purpose is to add any course or distance that was omitted on the prior plat.
- C.** The purpose is to correct an error in the description of the real property shown on the prior plat.
- D.** The purpose is to indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor responsible for setting the monuments.

- E.** The purpose is to show the proper location or character of any monument that has been changed in location or character or that originally was shown at the wrong location or incorrectly as to its character on the prior plat.
- F.** The purpose is to correct any other type of clerical error or omission in the previously approved plat.
- G.** The purpose is to correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for amendment and neither lot is abolished; provided, that such amendment does not have a material adverse effect on the property rights of the owners in the plat.
- H.** The purpose is to relocate a lot or boundary line in order to cure an inadvertent encroachment of a building or improvement on a lot or boundary line or on an easement.

9.9 Lot Line Adjustments

Application to adjust lot lines between adjacent properties not located within a subdivision may be executed upon recordation of an appropriate deed if:

- A.** No new lot results from the lot line adjustment;
- B.** The adjoining property owners consent to the lot line adjustment;
- C.** The lot line adjustment does not result in a remnant of land that did not previously exist;
- D.** The adjustment does not result in a violation of applicable zoning requirements; and
- E.** The application has been reviewed and approved by the Zoning Administrator prior to recordation in the Grand County Recorder's office.

9.10 Conditional Use Permits

9.10.1 General

A conditional use is a use that, because of its unique characteristics or potential impact on the County, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that reasonably mitigate or eliminate the detrimental impacts. Preexisting uses that are permitted as a conditional use pursuant to this LUC shall be deemed to have already received conditional use permit approval; provided, however, that any change or expansion of a conditional use, whether preexisting or otherwise, shall require a new conditional use permit pursuant to the terms of this section.

9.10.2 Pre-Application Conference

Prior to the filing of a conditional use permit application, the applicant shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the County. At such meeting, the application contents, referral agencies, review procedures, use and area standards, and the general character of the development may be discussed.

9.10.3 Procedure

A. Submittal Requirements

A conditional use permit application shall be submitted to the Zoning Administrator. The application shall be accompanied by or show the following information on two 18 x 24 plats, two 11 x 17 copies, and in an electronic file ready for printing:

1. The street address and legal description of the property affected;
2. A preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property;
3. A site plan drawn to a scale deemed necessary by the Zoning Administrator. The site plan shall include:
 - a. Drives, streets, and rights-of-way;
 - b. Easements;
 - c. Location and dimensions of structures and signs;
 - d. Typical elevations of such buildings;
 - e. Access ways, including points of ingress, egress;
 - f. Landscaping;
 - g. Topography; and
 - h. Specific areas proposed for specific types of land use.
4. Any and all information, operating data and expert evaluation necessary to clearly explain the location, function and characteristics of any building or use proposed;
5. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Commission.

B. Distribution of Conditional Use Applications

The Zoning Administrator shall distribute the conditional use application immediately upon receipt to appropriate referral agencies which may include the following:

1. Zoning Administrator;
2. Grand County Engineer;
3. Grand County Water Conservancy District or Spanish Valley Water and Sewer Improvement District;
4. Moab Fire Protection District;

5. Grand County Administrator;
6. Grand County Recorder; and
7. Grand County Road Superintendent.

[Ord. 546, 2016.]

9.10.5 Action by County Commission

The County Commission shall ~~consider~~ ~~on~~ a conditional use permit at a public meeting within a reasonable time ~~30 days after~~ of the Zoning Administrator's recommendation ~~or within a reasonable time thereafter~~.

A. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public Notices.

9.10.6 Conditional Use Criteria

Conditional use permits shall be approved where the County determines that there will be no significant negative impact upon residents of surrounding property or upon the public. The following criteria shall be considered in the application review:

A. Effect on Environment

The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property, nor cause substantial or permanent interference with the right to peaceful enjoyment of property.

B. Compatible with Surrounding Area

The proposed site plan, circulation plan and schematic architectural designs shall be complementary with the character of the surrounding area with relationship to scale, height, landscaping and screening, building coverage, and density.

C. External Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the County through the creation of noise, glare, fumes and odors, dust, smoke, vibration, fire hazard, excessive light, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

D. Infrastructure Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the County through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

E. Consistent with LUC and General Plan

The proposed use will be consistent with the purposes of this LUC, the General Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

F. Parcel Size

The proposed use may be required to have additional land area, in excess of the lot area otherwise allowed by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

9.10.7 Conditions of Approval

A. The County may, in the interest of the public welfare and to assure compliance of this LUC, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any use listed as a conditional use permit, the County may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property, the neighborhood and the County from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions. In addition, where conditional uses involve significant alteration of the landscape or pose potential threats to the scenic quality of the County, reclamation bonds may be required as deemed necessary to ensure reclamation of disturbed sites to their natural, original or other substantially beneficial condition consistent with local plans to the extent practicable, and to protect the County's recreation-base economy, as determined by the County Commission. Applicants may be required to post sufficient security, as deemed reasonably necessary by the County Commission, to guarantee that the final reclamation shall be accomplished within one year of the cessation of the permitted activity/facility; a surety bond approved by the County Attorney may be acceptable.

B. Conditional use permits may be denied if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with the criteria of Section 9.11.6.

C. Conditions of approval may include a requirement that the applicant submit an annual statement of compliance detailing how the applicant has complied with terms of the permit, including a detailed and specific report on steps taken in the prior year to comply with other applicable local, state and federal requirements and laws. The Administrator shall review and approve such annual statement where the applicant is continuing to comply with the applicable requirements of the conditional use permit. Where the Administrator determines that the applicant is in violation of any requirement of this LUC or conditions of approval, the Administrator shall revoke said permit in accordance with the requirements of Section 9.11.8. Alternatively, and at the discretion of the Administrator, such permit may be referred to the County Commission for review.

9.10.8 Revocation

The Zoning Administrator may revoke a conditional use permit if it is determined that:

- A. The applicant has misrepresented any material fact on his or her application, or supporting materials;
- B. The conditional use fails or ceases to comply with applicable standards, conditions or criteria for issuance of a permit;
- C. The operation of the conditional use violates any statute, law, ordinance or regulation; and/or
- D. The operation of the conditional use constitutes a nuisance or poses a real or potential threat to the health, safety or welfare of the public.

9.10.9 Records

Final action on conditional use permits shall be documented by resolution of the County Commission and a file containing all documents relevant to the application and disposition of such conditional use permits shall be maintained by the County Recorder.

9.10.10 Maximum Density

The maximum density allowed by conditional use permit shall be no greater than that permitted in the underlying zone district, ~~unless specifically authorized in this LUC.~~

9.11 Constitutional Takings Review and Appeal

Pursuant to the Utah Constitutional Takings Issues Act, and in order to promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the County Commission, the Planning Commission, and the Zoning Administrator shall adhere to the following before authorizing the seizure or exaction of private property. Regulatory takings are not subject to the Utah Constitutional Takings Issues Act or this Section 9.12.

9.11.1 Definitions

- A. “Constitutional taking” shall mean an exaction or physical taking that violates the Fifth or Fourteenth Amendments of the U.S. Constitution or Article I, Section 22 of the Utah Constitution. As used herein, a constitutional taking does not include a regulatory taking.
- B. “Exaction” shall mean a development condition imposed by the County under Utah Code Section 17-27a-507.
- C. “Physical taking” shall mean a physical invasion of private property.
- D. “Regulatory taking” shall mean a County regulation which deprives the owner of all economically beneficial use of their property or significantly interferes with investment-backed expectations without significantly advancing a legitimate government interest.

9.11.2 Right to Appeal

Any owner of private property who believes they have suffered a constitutional taking by the County may appeal the County’s decision or other taking of the property to the Hearing Officer within 30 days after the decision is made in writing or other taking of the property occurs to the County Clerk/Auditor. The County may answer the appeal in writing prior to the hearing.

9.11.3 Hearing Procedure

The Hearing Officer shall hear and decide the appeal within 14 days after the appeal is filed unless the Hearing Officer grants an extension upon the reasonable request of either the appellant or the County. The appellant may be represented by counsel; the County Attorney or their designee shall represent the County. ~~The hearing is not a public meeting and public comment shall not be permitted.~~ The Hearing Officer shall review the appeal pursuant to the guidelines in Section 9.12.5. The decision of the Hearing Officer shall be in writing and a copy shall be given to the appellant and the applicable land use authority. The Hearing Officer's rejection of an appeal shall constitute final County action.

9.11.4 Submission Requirements

The applicant shall file ~~one hard copy and one electronic copy of a petition requesting a constitutional takings review and of a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property dated within 30 days of the submission of the petition.~~ The ~~petition shall be~~ accompanied by or showing the following information:

- A. The street address and legal description of the property affected;
- B. A detailed description of the grounds for the claim that there has been a constitutional taking and of the property taken;
- C. Evidence and documentation as to the value of the property, including the date and cost at the date the property was acquired, both before and after the alleged constitutional taking. This should include the name of the party from whom the property was purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
- D. Nature of the prosecutable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest;
- E. Terms (including sale price) of any previous purchase or sale or a full or partial interest in the property in the three years prior to the date of application;
- F. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
- G. The assessed value of ad valorem taxes on the property for the previous three years;
- H. All information concerning current mortgage or other loans secured by the property, including the name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan or other significant provisions, including but not limited to right of purchasers to assume the loan;
- I. All listings of the property for sale or rent, price asked, and offers received, if any, within the previous three years;
- J. For income producing property, an itemized income and expense statement from the property for the previous three years;

K. The County Commission or their designee may request additional information reasonably necessary in their opinion to arrive at a conclusion concerning whether there has been a constitutional taking;

L. A preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property dated within 30 days of the submission of the petition; and

M. A filing fee to cover the cost of review in accordance with the fee schedule adopted by ordinance resolution of the County Commission.

9.11.5 Takings Guidelines

Prior to any proposed action to exact or seize property by the County, the County Attorney shall review the proposed action to determine if a constitutional taking requiring “just compensation” would occur. The County Attorney (and, upon appeal, the Hearing Officer) shall determine whether the action bears an essential nexus to a legitimate governmental interest; and whether the action deprives the private property owner of all reasonable use of the property. These guidelines are advisory only and shall not expand or limit the scope of the County’s liability for a constitutional taking. Further, a court may not impose liability on the County for failing to comply with this Section 9.12.5. **9.12 Appeals of Administrative Decisions**

9.12.1 Authority of Hearing Officer

The Hearing Officer shall have powers and be subject to the limitations of Section 8.2.

9.12.2 Application for Appeal

The Appeals to the Hearing Officer shall have jurisdiction to hear appeals of administrative decisions of the County Commission or Zoning Administrator can be taken by any person aggrieved by any officer, department or board of the County or affected by the decision of the Zoning Administrator. An aggrieved person affected by such decision shall file an Such appeal shall be taken within 30 days after the decision has been rendered with the County Clerk/Auditor by the administrative officer, by filing with the officer from whom the appeal is taken and with the Hearing Officer, a notice of appeal specifying the grounds thereof. The land use authority officer from whom the appeal is taken shall forthwith transmit to the Hearing Officer all the papers constituting the record upon which the action appealed from was taken.

9.12.3 Filing Fee

A filing fee shall be submitted to cover the cost of review and processing with every appeal in accordance with the fee schedule adopted by ordinance resolution of the County Commission.

9.12.4 Stay of Proceedings

An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Hearing Officer after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order that may be granted by the Hearing Officer or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

9.13.5 — Hearing and Notice

The Hearing Officer shall fix a reasonable time for the hearing of an appeal, and give the public notice as follows. [~~Ord. 546, 2016.~~]

9.13.6 — Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public Notices. [~~Ord. 546, 2016.~~]

9.12.7 Appeals to Court

Every decision of the Hearing Officer shall be subject to review by the Moab District Court under the standards set forth in Utah Code §17-27a-801(6), Utah Code. Such appeal may be taken by any person aggrieved by a decision of the land use authority or by an officer, department, or board of the County. Such appeal shall be taken within such time as provided by the Utah Rules of Civil Procedure. ~~A notice of appeal, in writing, specifying the grounds for such an appeal, shall also be filed with the Hearing Officer within 30 days of the final written Hearing Officer decision. [Ord. 546, 2016.]~~

9.13 Variances**9.13.1 Purpose**

Variations are deviations or modifications of dimensional standards of Article 5, Lot Design Standards, including front-, side- and rear-yard (setbacks), lot width, area, and height, of the applicable zone district where development is proposed that would not be contrary to the public interest and, due to special physical site conditions, a literal enforcement of the provisions of Article 5 would result in unnecessary hardship. Variance or modification of such dimensional standards may be permitted as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape or slope so that it cannot be appropriately developed without such variance or modification.

9.13.2 Authority

The Hearing Officer, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions or disapprove an application for a variance after receiving a recommendation from the Zoning Administrator.

9.13.3 Reserved. County Commission Approval of Variances

~~Alternatively and in conjunction with the review of subdivision applications, the County Commission shall be authorized to grant variances subject to the requirements of this Section 9.14, Variances. [Ord. 546, 2016.]~~

9.13.4 Procedure**A. Submittal Requirements**

1. The applicant shall file ~~two hard copies and one electronic copy of~~ an application, ~~or more if specified by the Zoning Administrator,~~ requesting a variance. ~~The application shall be~~ accompanied by or show the following:
 2. The street address and legal description of the property affected;

3. A site plan and any and all other information necessary to clearly demonstrate eligibility for the requested variance based upon the required findings in Section 9.14.5; and
4. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Commission.

B. Notification Requirements

~~Notification requirements for variances shall be as follows:~~

1. ~~Publication~~Public Notice

~~Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public Notices.~~

~~The County shall cause notice of the public hearing to be given by publication in a newspaper of general circulation (with distribution of the notice to all other local news media without any requirement for publication) in Grand County. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.~~

~~2.~~ Posting

~~The applicant shall post a sign, provided by the County, noticing the public hearing in a prominent place on the land area proposed for a variance with a notice of the hearing at least 15 days prior to the hearing. Such notice shall describe the change proposed; the time, date, and place of the public hearing; and the name, address, and phone number of the applicant.~~

~~23.~~ Public Hearing

A public hearing shall be held on an application for a variance. At the public hearing the Hearing Officer shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Hearing Officer shall vote to approve, approve with conditions or disapprove the application for a variance, pursuant to the requirements of Section 9.14.5.

~~34.~~ Notice of Decision

~~The Zoning Administrator shall provide a copy of the decision to the applicant ~~by mail~~ within 10 days of the final decision.~~

9.13.5 Required Findings

In exercising its power to grant a variance in accordance with this LUC, the Hearing Officer or County Commission, as applicable, shall make finding and show in its minutes that:

- A. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and zone district;

- B. That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this LUC, by other properties in the vicinity and zone, but which rights are denied to the subject property;
- C. That the granting of the variance on the specific property will not be inconsistent with the General Plan of Grand County;
- D. That the variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity;
- E. That such unnecessary hardship has not been created by the applicant; and
- F. That the proposed use is a permitted use in the underlying zone district.

9.13.6 Conditions

The Zoning Administrator may recommend, and the Hearing Officer or County Commission, as applicable, may impose, such conditions on a variance permit as are necessary to accomplish the purposes of this LUC, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include but are not limited to limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; and limitations on the duration of the permit or hours of operation.

9.13.7 Effect of Variance Permit

A. General

Issuance of a variance permit shall authorize only the particular variation that is approved in the variance permit. ~~A variance permit shall run with the land.~~

B. Time Limit

Unless otherwise specified in the variance approval, an application to commence construction of the improvements that were the subject of the variance request must be applied for and approved within 12 months of the date of the approval of the variance; otherwise the variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month time frame may be granted by the Hearing Officer for a period not to exceed 12 months for good cause shown.

9.14 Sign Permits

9.14.1 Permits

- A. It shall be unlawful to erect, construct, reconstruct, alter, paint, or repaint, or change the use of any sign as defined in this section without first obtaining a sign permit; however, a sign permit shall not be required to repaint a sign exactly as it was permitted for the purpose of maintenance.
- B. A ~~one-time~~ sign permit fee according to the International Building Code permit fee schedule shall be charged for each sign permit.

9.14.2 Sign Permit Application

Application for a sign permit, where such permit is required by Section 6.5, Signs, shall be made upon forms provided by Grand County and shall include the following information:

- A. A drawing to scale of the proposed sign.
- B. A drawing to scale of the site plan or building facade showing the proposed location of the sign.
- C. Name, address and telephone number of the applicant.
- D. Name, address and telephone number of the owner.
- E. Name, address and telephone number of the person or firm responsible for the erection of the sign.
- F. Location of the building, structure or tract to which, or upon which, the sign is to be attached or erected.

9.14.3 Sign Permit Standards

Sign permits shall be approved upon determination that the proposed sign(s) will be consistent with the standards of Section 6.5, Signs.

9.15 Temporary Use Permits**9.15.1 General**

Temporary use permits shall be issued by the Planning Commission, subject to the following provisions.

9.15.2 Zoning

The use for which the permit is requested shall be authorized as a temporary use in the district in which the use is to be located.

9.15.3 Application

Application for a temporary use permit shall be made on forms provided by the Zoning Administrator.

9.15.4 Conditions

The applicant shall meet all conditions for such temporary use permit set forth in this LUC.

9.15.5 Time Limit

A time limit for the discontinuance of the temporary use shall be specified on the temporary use permit.

9.16 Site Plan Review**9.16.1 Applicability**

Prior to the issuance of a zoning development permit or building permit for any commercial or multifamily development in any zone district, a site plan shall be submitted to the Community Development Department for approval.

9.16.2 Purpose

The purpose for site plan review is to assist the building inspector with zoning review, which must be accomplished prior to the issuance of a zoning development permit and building permit. In this onestep review, the Zoning Administrator reviews proposed developments for conformance with the general development standards of Article 6 and applicable zoning requirements of this LUC.

9.16.3 Submission Requirements

The developer or owner shall submit the site plan drawn to an acceptable scale and with adequate copies. The scale and number of copies shall be that deemed necessary by the Zoning Administrator. The site plan shall include the following:

- A. Parking, loading, and refuse areas;
- B. Access ways, including points of ingress, egress;
- C. Sidewalks and trails;
- D. Fences and walls;
- E. Location and dimensions of structures and signs;
- F. Location and type of outdoor lighting;
- G. Typical elevations of such buildings;
- H. Landscaping and screening;
- I. Topography;
- J. Specific areas proposed for specific types of land use;
- K. Lots or plots;
- L. Any areas with slopes in excess of 30 percent;
- M. Any areas in a natural drainage or the 100-year floodplain;
- N. Existing and proposed easements, areas proposed for public dedication; and
- O. Building footprint(s), water and sewer lines, easements and drainage improvements in digital format, if available. Digital information shall be provided in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator (currently preferred in State Plane Coordinates – Utah Central Zone or the Valley Coordinate System) with all measurements stated in feet.

9.16.4 Action

- A. Zoning Administrator shall consider the general development standards of Article 6 and the requirements of the underlying zone district.

B. In the approval or disapproval of the site plan, the Zoning Administrator shall not be authorized to waive or vary conditions and requirements contained in this LUC.

C. Building Permits in Conformance with Site Plan

It shall be unlawful to issue a building permit prior to the approval of the site plan by the Zoning Administrator. No building permit shall be issued except in conformity with the approved site plan or in accordance with authorized minor changes.

9.16.5 Minor Changes

Subsequent to approval of a site plan, minor changes may be authorized by the Zoning Administrator when such minor changes will not cause any of the following to occur:

- A.** A change in the character of the development;
- B.** An increase in the intensity of use;
- C.** A reduction in the originally approved separations between buildings;
- D.** An increase in the external effects, including that of outdoor lighting, on adjacent property;
- E.** A reduction in the originally approved setbacks from property lines;
- F.** An increase in the problems of circulation, safety and utilities;
- G.** An increase in the height of such buildings;
- H.** An increase of more than 20 percent or 1,000 square feet, whichever is less, in ground coverage by structures;
- I.** A reduction in the off-street parking;
- J.** A change in the subject, size, lighting or orientation of originally approved signs; or
- K.** A decrease in the percentage of landscaping required.

9.17 Zoning Development Permits

9.17.1 Applicability

A. No building permit may be issued and no person(s) may engage in any development (including grading) within the incorporated area of Grand County without obtaining an appropriate zoning development permit. The Zoning Administrator shall require that every application for a development permit be accompanied by two copies of a plan or plat showing the building, structure, or sign in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed construction, reconstruction or conversion, moving and/or alteration is in conformance with the provisions of the applicable zone district and this LUC.

B. No zoning development permit shall be issued for a building or structure on a lot which abuts a street and located on the side thereof from which all dedication has not been made according to the street plans and standards as adopted from time to time by Grand County.

9.17.2 Revocation of Zoning Development Permits

Failure to comply with any condition(s) of approval, ~~as determined by the County Commission,~~ shall result in inability to obtain any rights granted conditionally thereunder, and County revocation of the zoning development permit upon 30-day notice to the developer and opportunity for hearing and County determination of noncompliance with conditions.

9.17.3 Denial of Zoning Development Permit

If an application for a zoning development permit is not approved, the Zoning Administrator shall return the zoning development permit to the applicant with a written statement detailing the reasons for such disapproval.

9.17.4 Conflict

Any zoning permit or building permit issued in conflict with the provisions of this LUC shall be null and void, and may not be construed as waiving any provision of this LUC.

9.18 Certificates of Occupancy

9.18.1 Applicability

No building hereafter erected, converted or structurally altered shall be used or occupied and no land or nonresidential building may be changed in use unless or until a certificate of occupancy shall have been issued by the Building Official of Grand County stating that the building or proposed use of land or building complies with the provisions of this LUC and other building and health laws of Grand County.

9.18.2 Application

An applicant shall request a certificate of occupancy ~~shall be applied for under their coincident with the application for a building permit and the County shall issue the same will be issued~~ within 10 days after ~~request if the the completion of the erection, alteration or conversion of such building or land provided such structure was constructed~~ construction or change has been made in complete conformity to the provisions of this LUC and other building and health laws of Grand County.

9.18.3 Record

A record of all certificates of occupancy shall be kept on file in the office of the Building Official, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.

10.2 Definitions

<p>Minor Record Survey</p>	<p>A map of a survey of land prepared in accordance with State Code Section 17-23-17 and 9.7 of this Code</p>
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STAFF REPORT

Planning and Zoning Department
GRAND COUNTY, UTAH

DATE: Friday, June 25, 2021

TO: Grand County Planning Commission

SUBJECT: Workshop background material (July 12, 2021 – 2:30 – 4 p.m.)

RESPECTFULLY SUBMITTED: John J. Guenther, Planning and Zoning Director

REPORT TYPE

Information and Discussion regarding the General Plan (GP) and Land Use Code (LUC) updates

STAFF RECOMMENDATION:

That a Planning Commission Workshop be scheduled for July 12, 2021 from 2:30 – 4 p.m. That the Planning Commission consider the attached background documents and outreach strategy in their review and comments:

1. Steering Committee terms of reference;
2. Action Plan Matrix 1 and 2;
3. Interviewee list;
4. List of Studies and Plans;
5. General Plan update process;
6. Boards/Commissions organizational chart; and
7. Land Use Code hot topic list.

SUMMARY OF REQUEST

The workshop with the Commission will focus on the current status of plans and regulations and then identify gaps and strategies for updates. The maps have not been included at this stage but will be set up in the Commission Chambers.

The General Plan update process document (Attachment #5) should stimulate discussion among members while reviewing and commenting on:

1. Priorities – regulatory, policy, procedural, or operational;
2. Each GP element and indicate study and decision making gaps;
3. The Land Use Code and concerns;
4. Interviewee list and identify any concerns;
5. Organizational and reporting structure; and
6. Steering Committee terms of reference.

We hope to schedule follow-up workshops in September, 2021.

Grand County General Plan (GP) Update Process – 2021

Interview questions and format

A. Purpose and Orientation –

1. To identify strategic and work plans from each department;
2. Reference the planning matrix for current and future studies and decision making;
3. Reference mapping and documents list currently posted and adopted;
4. Record current and long range objectives and outcomes, shortcomings, and gaps within each GP element; and
5. A gap analysis will outline a holistic, but high level General Plan and point to important LUC and other regulatory updates.

B. Timing and resources -

1. A GP update and LUC outline will be presented to the County and Planning Commissions in **October**, for consideration, with public hearings and adoption;
2. Interviews of each decision maker will be conducted over the next 30 – 60 days and a draft update to the GP created for public review in **September**;
3. A collaborative exercise will consider draft policy documents for each element near the **end of August**; followed by a group meeting to review implementation strategies and reflect on the draft proposals; and
4. Many of the gaps that do develop – e.g. Land use and decision making – will need to be identified, prioritized by the Steering Committee and placed in an action plan – **late September** after the first round of public review.

C. Questions and Comments –

1. Explain the timing and resources and query:
 - a. Are there other references that are missing and if so what are they?
 - b. What do you think about the timing and deliverables?
 - c. Who else should be invited to comment?
 - d. What community outreach strategies work the best – in person, on line, combination, workshops?
2. After reviewing the list of interviewees are there other crucial contacts that should be added?
3. After reviewing the matrices and list of studies -
 - a. What current or future work plans, documents, studies or actions do you have that are not identified in the various sections? Have they been formally adopted by the PC, CC or other elected body? If not, should they be? What other plan
 - b. What decision making groups are missing or should be added/modified?
4. After reviewing the organizational chart and reporting relationship documents –
 - a. Please identify any communication gaps, org structure challenges?
 - b. Are there regulatory or enforcement issues that you can identify?
5. After reviewing the list of maps – primarily from the GP -
 - a. Identify any mapping/graphics that will be important to current and long range planning.
 - b. Do you see any challenges or opportunities with our current map sets – e.g. Land use designations and transportation alignment?
6. A list of regulatory updates is being developed including. Please note any that are missing?
 - a. Land use code
 - b. Noise
 - c. Engineering development standards
 - d. Addressing
 - e. Building
 - f. Dark skies
 - g. Others?

7. A list of hot topic LUC issues is attached. The proposal is to link performance based language in the code to the General Plan – e.g. Residential land use in the General Plan linked to the LUC residential zoning types, uses, density and use tools.

**Grand County - General Plan and Land Use Code
Steering Committee Terms of Reference (SCUP)
June 3, 2021**

I Purposes: The Steering Committee guides the following process:

- A. Phase 1 – General Plan and LUC adoption – Commissions and Agencies
 - 1. To identify strategic and work plans from each department, and reference group. Record current and long range objectives and outcomes, shortcomings, plans – text and graphics, and policies.
 - 2. A gap analysis will outline a holistic, but high level General Plan and point to important LUC and other regulatory updates. A GP update and LUC outline will be presented to the County and Planning Commissions in October, for consideration, with public hearings and adoption.
 - 3. Interviews of each decision maker will be conducted over the next 30 – 60 days and a draft update to the GP created for public review.
 - 4. Public meetings will be scheduled in September.
- B. Phase 2 – Community and Neighborhood review and update process
 - 1. Over a series of engagements vet the strategies, policies, objectives and outcomes in the updated GP through a series of questionnaires and meetings identifying substantive planning and development concerns that then re-inform the GP and development regulations.
 - 2. Community outreach - identify key community groups and associations and begin a series of feedback sessions based on the following process. The first two phases are guided by planning department, while the last phase brings departments to a series of meetings to discuss strategies.
 - a. Listening;
 - b. Clarification; and
 - c. Strategies.

II Membership:

- 1. County commission – Chair Mary McGann; Commissioner Kevin Walker
- 2. PC – awaiting designee
- 3. Administration – Mallory Nassau?
- 4. EcDev – Elaine Gizler?
- 5. Parks and Rec - Maddie
- 6. Sheriff – Steve White?
- 7. Fire - Brandon
- 8. Building – Bill?
- 9. Health – Orion Rogers?
- 10. Housing – Jenna Whetzel?
- 11. Legal – Christina?
- 12. Airport – Andy?
- 13. Roads – Bill?
- 14. BLM
- 15. State land
- 16. Parks

III Meetings: - At the call of the Chair but scheduled on a bi-weekly basis beginning June 28, 2021. Preferred schedule is bi-weekly.

IV Objectives:

The steering committee guides the GP and LUC outreach and review process giving important advice regarding:

- 1. Internal and external policy consistency;
- 2. Regulatory consistency and pertinence;
- 3. Engagement strategies;

4. Phasing and timing;
5. Reporting, indicators and outcomes;
6. Review and adoption schedules...

1. **List of studies and plans** - <https://moabcity.org/477/Master-Plans>
 - a. Strategic plan
 - b. Moab and County water facts - [Water Specific Plans - Google Drive](#)
 - c. Utah State Code - [Utah Code Chapter 17-27a](#)
 - d. 2012 General Plan Update (PDF) - <https://www.grandcountyutah.net/DocumentCenter/View/200/2012-General-Plan-Update-PDF>
 - i. Review process - [General Plan | Grand County, UT - Official Website \(grandcountyutah.net\)](#)
 - e. Sanitary sewer master plan - [CHAPTER 1 - PURPOSE, SCOPE, AND AUTHORIZATION \(moabcity.org\)](#)
 - f. Spanish Valley transportation master plan - <https://www.grandcountyutah.net/924/Spanish-Valley-Transportation-Plan>
 - g. Spanish valley storm water master plan - <https://drive.google.com/drive/folders/1FFNEaUuVH9v-DhG6QFN7cvHb9iDg4QXR?usp=sharing>
 - h. 2017 Moab Area Affordable Housing Plan
 - i. Storm water master plan - [Moab-Storm-Water-Master-Plan \(moabcity.org\)](#)
 - j. 2017 Resource Management Plan - <https://drive.google.com/drive/folders/1FFNEaUuVH9v-DhG6QFN7cvHb9iDg4QXR?usp=sharing>
 - k. Water distribution and storage master plan **City of Moab** - [Microsoft Word - FINAL - Moab Water Master Plan Report - 2020 Update.docx \(moabcity.org\)](#)
 - l. Moab area watershed Partnership - <https://drive.google.com/drive/folders/1FFNEaUuVH9v-DhG6QFN7cvHb9iDg4QXR?usp=sharing>
 - m. Construction Standards (PDF) - <https://drive.google.com/drive/folders/1FFNEaUuVH9v-DhG6QFN7cvHb9iDg4QXR?usp=sharing>
 - n. Spanish valley Water Conservation - <https://drive.google.com/drive/folders/1FFNEaUuVH9v-DhG6QFN7cvHb9iDg4QXR?usp=sharing>
 - o. Profile of Land Use - <https://drive.google.com/drive/folders/1FFNEaUuVH9v-DhG6QFN7cvHb9iDg4QXR?usp=sharing>
 - p. Non-motorized Trails Master Plan (PDF)
 - q. Scenic Byways Corridor Management Plan (PDF)
 - r. The Wilderness Plan (PDF)
 - s. Wilderness Proposal Map (PDF)

General Plan 2021 Draft Interviewee List

Land Use

City Planning Director Nora Shepard – nshepard@moabcity.org

Housing Authority of Southeast Utah (HASU) Jenna Whetzel/Ben Riley: jwhetzel@hasuhomes.org,
briley@hasuhomes.org

Grand County Planning and Zoning Commissioners

Utilities and Infrastructure

Chief building inspector Bill Hulse – bhulse@grandcountyutah.net

Grand County Water and Sewer Agency Dana Van Horn – dana@grandwater.org

City engineer Chuck Williams – cwilliams@moabcity.org

IT Department Matt Cenicerros

Economic Development

Travel Council Director Elaine Gizler – egizler@grandcountyutah.net

Grand County Chamber of Commerce Laici Shumway

Environmental

Sustainability Director Mila Dunbar-Irwin – mdi@moabcity.org

Finance

Auditor's office – *need representative*

Grand County Assessor Debbie Swasey – dswasey@grandcounty.net

Social

Southeast Utah Health Department Orion Rogers – orogers@utah.gov

Grand County School District – board member or superintendent?

Library Board?

Historical Preservation Committee

Public Safety

Sheriff Steve White – swhite@grandcountysheriff.org

Fire Inspector Brandon McGuffee – bmcguffeemoabfire@gmail.com

EMS Director Andy Smith – asmith@grandcountyems.net

Transportation

Airport Director Andy Solvsig – asolvsig@grandcountyutah.net

Roads Department Supervisor Bill Jackson – bjackson@grandcountyutah.net

Grand County Motorized Trail Committee

Parks, Recreation, and Natural Areas

Grand County Trails Department Director Maddie Logowitz – mlogowitz@grandcountyutah.net

Sand Flats Recreation Area Program Director Andrea Brand – abrand@grandcountyutah.net

People and Decision Making

Grand County Personnel Services Director Renee Baker – rbaker@grandcountyutah.net

Moab City Council Member(s)

Moab City Mayor Emily Niehaus

Castle Valley Mayor Jazmine Duncan?

County Commissioners Mary McGann, Kevin Walker mmcgann@grandcountyutah.net,
kwalker@grandcountyutah.net

Non-profit groups that may be interested (?):

MVMC (Multi Cultural Center)

Moab Area Community Land Trust

Youth Garden Project

Moab Free Health Clinic

Community Rebuilds

Attachment 2- B - General Plan and Land Use Code ACTION MATRIX – PART 1

Implementation matrices – *Italics* – in process; Straight type – adopted; ***Italics bold*** – proposed – Commissions and Boards; Special Service and Local District Boards

LAND USE	ECONOMIC	ENVIRONMENT	SOCIAL	
<i>Update to FLU –Spanish valley and RR</i>		<i>ICSP</i>	<i>Cultural Master plan</i>	<i>Capital and Asset master plan – e.g. water source and capacities; BLM offices; Facilities programming analysis</i>
<i>Master plan for each region</i>	<i>Opportunity analysis</i>	<i>Regional Air and Water shed shed Mgmt. Plan</i>	<i>Social master plan</i>	<i>Fees and charges</i>
<i>Study area outlines</i>	<i>Distressed lands</i>	<i>Flood hazard mitigation report</i>	<i>Education master plan</i>	<i>Cost recovery and cost center analysis</i>
<i>Growth analysis and studies</i>	<i>Economic master plan – mixed use, serviced industrial land</i>	<i>Community Energy planning</i>	<i>Health master plan (HIA)</i>	<i>Taxation analysis</i>
<i>Public lands study</i>		<i>Aquifer protection zones</i>	<i>Housing master plan</i>	<i>Fiscal impact analysis – cost of development – regional strategies and cost sharing</i>
<i>Transitional housing</i>	<i>Resource master plans</i>	<i>Brownfield study and opportunities mapping</i>	<i>USU certification and training initiatives</i>	<i>Grant review and funding proposals</i>
<i>Mixed use analysis – e.g. Highways</i>			<i>Health Impact assessment</i>	<i>Budget analysis and decision making e.g. purchasing policy</i>
<i>Scenic resource and corridor analysis</i>			<i>Affordable housing plan indicators</i>	
<i>Density study and review – HDHO</i>				
<i>Conditional uses review</i>				
<i>Regional Land use code and General Plan</i>				
<i>Fringe area planning and annexation strategies</i>				

Attachment 2- B - General Plan and Land Use Code ACTION MATRIX – PART 1

Implementation matrices – *Italics – in process*; Straight type – adopted; *Italics bold – proposed* – Commissions and Boards; Special Service and Local District Boards

LAND USE	ECONOMIC	ENVIRONMENT	SOCIAL	
LEAD, GROUPS, COMMITTEES AND PARTNERS				
<i>State water rights – State engineer</i>	EcDev Advisory board Ecdev diversification	Noxious weed control	Children’s Justice Center Advisory board	<i>Annual review group</i>
<i>SITLA, GWSSA, San Juan County</i>	Arches Hotspot region committee	Moab Mosquito Abatement District	Library board	Audit committee
Board of Adjustment	Tourism board		Health regional advisory	Budget Advisory
Boundary Commission	Travel council		Historical preservation	
Planning Commissions	Associations – mines, minerals, ag,		Housing Authority Task force	
			Homeless Coordinating Committee	
LAND USE	ECONOMIC	ENVIRONMENT	SOCIAL	FINANCE
			<i>Youth committee and liaison</i>	
			Canyonlands Health Care	

Attachment 2 – C - GENERAL PLAN AND LAND USE CODE ACTION MATRIX – PART 2

Implementation matrices – *Italics – in process*; Straight type – adopted; *Italics bold – proposed* – Commissions and Boards; Special Service and Local District Boards

DECISION MAKING	PUBLIC SAFETY	TRANSPORTATION	PARKS, REC, NATURAL AREAS	UTILITIES and INFRASTRUCTURE
<i>Engagement strategy</i>	Wildfire	<i>Active transportation plan</i>	Parks, Recreation and Culture Master Plan	<i>County Master plans – water, sewer, storm water</i>
<i>IT strategic plan</i>	<i>Fire fighting district study</i>	Transportation MP Regional bypass; Level of service analysis – e.g. parks	<i>Open space analysis and incentives</i>	<i>Potable water protection areas – Castle Valley</i>
<i>Organizational analysis</i>	<i>Public Safety master plan</i>	Traffic bylaws	<i>Park Site Plans</i>	IT strategic Plan
Regional Growth Strategy	<i>Social master plan – integrated municipal plan</i>	Capital Asset Plan		Infrastructure Master Plan Water Drainage Liquid Waste Solid Waste
<i>Strategic plan update – e.g. admin/elected training, and engagement</i>		Airport Overlay and Master plan	Parks master plan/open space	<i>Review of urban/rural services</i>
HR/Org review and strategy	<i>Emergency routes, response times</i>	Forest service collaboration and plans	<i>Culture and heritage study</i>	
	<i>Police Strategic Plan</i>		<i>Youth and Age Friendly plan</i>	
		Parking study - Usage	Accessibility Plan	
GROUPS, COMMITTEES AND PARTNERS				
	<i>Safety working group</i>	School district and PAC		<i>Cross-dept. working group</i>
<i>Working Groups - regional</i>	<i>Regional CPTED support</i>	USDOT	Recreation Boards	<i>IT committee</i>
<i>Not for profit societies</i>	<i>Local Emergency Mgmt committee</i>	Airport	Parks and Recreation Committee	State Working group and research on water source protection and capacities
	<i>Auxiliary police</i>	Grand County Transp. SD	Schools	Grand county Water and Sewer Agency Board Grand County Water and Sewer admin
<i>Regional Planning commissions</i>	<i>Police Advisory group</i>	Community Associations	Federal Parks	Grand County Water conservancy DB

Attachment 2 – C - GENERAL PLAN AND LAND USE CODE ACTION MATRIX – PART 2

Implementation matrices – *Italics – in process*; Straight type – adopted; *Italics bold – proposed* – Commissions and Boards; Special Service and Local District Boards

<i>DECISION MAKING</i>	<i>PUBLIC SAFETY</i>	<i>TRANSPORTATION</i>	<i>PARKS, REC, NATURAL AREAS</i>	<i>UTILITIES and INFRASTRUCTURE</i>
<i>State working groups</i>	<i>Rural Crime Watch and Neighborhood policing</i>	<i>Task Force Committee</i>	<i>Trails committee</i>	Spanish Valley Water and Sewer ID
<i>Social Media – web site updates</i>	<i>Fire advisory group</i>	<i>Forest service working group</i>	<i>Libraries</i>	Grand County Solid Waste DB
Arches special service District			Grand county Rec Special District	Thompson Springs Special Service Water DB Thompson Springs Special Service Fire DB

Boards, Commissions, & Committees Organizational Chart

